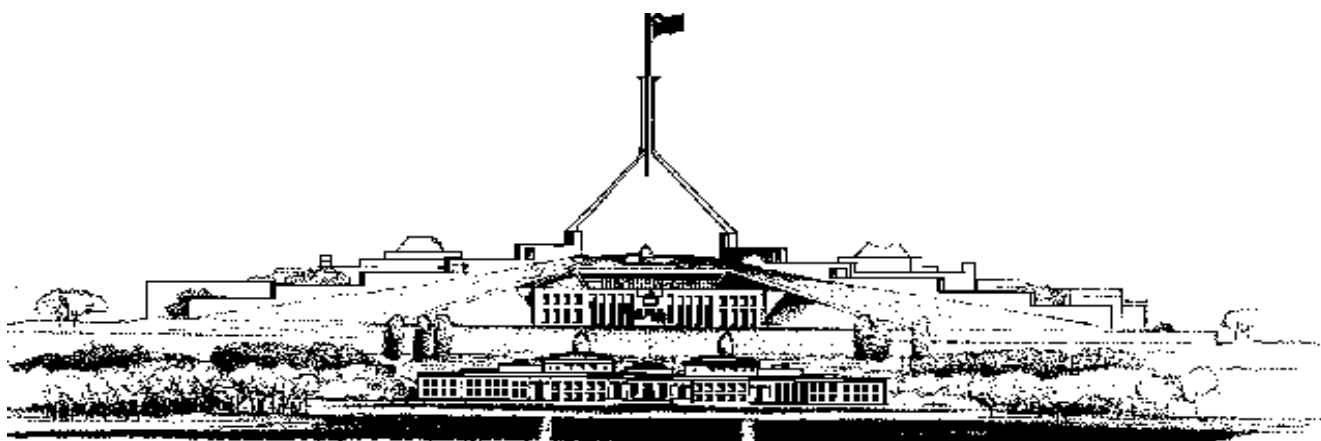




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



Senate

Official Hansard

No. 11, 2011

Wednesday, 21 September 2011

FORTY-THIRD PARLIAMENT
FIRST SESSION—FOURTH PERIOD

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SITTING DAYS—2011

Month	Date
February	8, 9, 10, 28
March	1, 2, 3, 21, 22, 23, 24
May	10, 11, 12
June	14, 15, 16, 20, 21, 22, 23
July	4, 5, 6, 7
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September	12, 13, 14, 15, 19, 20, 21, 22
October	11, 12, 13, 31
November	1, 2, 3, 21, 22, 23, 24

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**FORTY-THIRD PARLIAMENT
FIRST SESSION—FOURTH PERIOD**

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Members of the Senate

Senator	State or Territory	Term expires	Party
Abetz, Hon. Eric	TAS	30.6.2017	LP
Adams, Judith Anne	WA	30.6.2017	LP
Arbib, Hon. Mark Victor	NSW	30.6.2014	ALP
Back, Christopher John	WA	30.6.2017	LP
Bernardi, Cory	SA	30.6.2014	LP
Bilyk, Catryna Louise	TAS	30.6.2014	ALP
Birmingham, Simon John	SA	30.6.2014	LP
Bishop, Thomas Mark	WA	30.6.2014	ALP
Boswell, Hon. Ronald Leslie Doyle	QLD	30.6.2014	NATS
Boyce, Suzanne Kay	QLD	30.6.2014	LP
Brandis, Hon. George Henry, SC	QLD	30.6.2017	LP
Brown, Carol Louise	TAS	30.6.2014	ALP
Brown, Robert James	TAS	30.6.2014	AG
Bushby, David Christopher	TAS	30.6.2014	LP
Cameron, Douglas Niven	NSW	30.6.2014	ALP
Carr, Hon. Kim John	VIC	30.6.2017	ALP
Cash, Michaelia Clare	WA	30.6.2014	LP
Colbeck, Hon. Richard Mansell	TAS	30.6.2014	LP
Collins, Jacinta Mary Ann	VIC	30.6.2014	ALP
Conroy, Hon. Stephen Michael	VIC	30.6.2017	ALP
Cormann, Mathias Hubert Paul	WA	30.6.2017	LP
Crossin, Patricia Margaret (1)	NT		ALP
Di Natale, Richard	VIC	30.6.2017	AG
Edwards, Sean	SA	30.6.2017	LP
Eggleston, Alan	WA	30.6.2014	LP
Evans, Hon. Christopher Vaughan	WA	30.6.2017	ALP
Farrell, Donald Edward	SA	30.6.2014	ALP
Faulkner, Hon. John Philip	NSW	30.6.2017	ALP
Fawcett, David Julian	SA	30.6.2017	LP
Feeney, David Ian	VIC	30.6.2014	ALP
Fierravanti-Wells, Concetta Anna	NSW	30.6.2017	LP
Fifield, Mitchell Peter	VIC	30.6.2014	LP
Fisher, Mary Jo (1)	SA	30.6.2017	LP
Furner, Mark Lionel	QLD	30.6.2014	ALP
Gallacher, Alexander McEachian	SA	30.6.2017	ALP
Hanson-Young, Sarah Coral	SA	30.6.2014	AG
Heffernan, Hon. William Daniel	NSW	30.6.2017	LP
Hogg, Hon. John Joseph	QLD	30.6.2014	ALP
Humphries, Gary John Joseph (1)	ACT		LP
Johnston, Hon. David Albert Lloyd	WA	30.6.2014	LP
Joyce, Barnaby Thomas Gerard	QLD	30.6.2017	NATS
Kroger, Helen	VIC	30.6.2014	LP
Ludlam, Scott	WA	30.6.2014	AG
Ludwig, Hon. Joseph William	QLD	30.6.2017	ALP
Lundy, Kate Alexandra (1)	ACT		ALP
Macdonald, Hon. Ian Douglas	QLD	30.6.2014	LP
Madigan, John Joseph	VIC	30.6.2017	DLP
McEwen, Anne	SA	30.6.2017	ALP
McKenzie, Bridget	VIC	30.6.2017	NATS

Senator	State or Territory	Term expires	Party
McLucas, Hon. Jan Elizabeth	QLD	30.6.2017	ALP
Marshall, Gavin Mark	VIC	30.6.2014	ALP
Mason, Hon. Brett John	QLD	30.6.2017	LP
Milne, Christine Anne	TAS	30.6.2017	AG
Moore, Claire Mary	QLD	30.6.2014	ALP
Nash, Fiona Joy	NSW	30.6.2017	NATS
Parry, Stephen Shane	TAS	30.6.2017	LP
Payne, Marise Ann	NSW	30.6.2014	LP
Polley, Helen Beatrice	TAS	30.6.2017	ALP
Pratt, Louise Clare	WA	30.6.2014	ALP
Rhiannon, Lee	NSW	30.6.2017	AG
Ronaldson, Hon. Michael	VIC	30.6.2017	LP
Ryan, Scott Michael	VIC	30.6.2014	LP
Scullion, Hon. Nigel Gregory (1)	NT		CLP
Sherry, Hon. Nicholas John	TAS	30.6.2014	ALP
Siewert, Rachel Mary	WA	30.6.2017	AG
Singh, Hon. Lisa Maria	TAS	30.6.2017	ALP
Stephens, Hon. Ursula Mary	NSW	30.6.2014	ALP
Sterle, Glenn	WA	30.6.2017	ALP
Thistlethwaite, Matthew	NSW	30.6.2017	ALP
Urquhart, Anne Elizabeth	TAS	30.6.2017	ALP
Waters, Larissa Joy	QLD	30.6.2017	AG
Williams, John Reginald	NSW	30.6.2014	NATS
Wright, Penelope Lesley	SA	30.6.2017	AG
Wong, Hon. Penelope Ying Yen	SA	30.6.2014	ALP
Xenophon, Nicholas	SA	30.6.2014	IND

(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

GILLARD MINISTRY

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

[The above ministers constitute the cabinet]

GILLARD MINISTRY—*continued*

Minister for the Arts	Hon. Simon Crean MP
Minister for Social Inclusion	Hon. Tanya Plibersek MP
Minister for Privacy and Freedom of Information	Hon. Brendan O'Connor MP
Minister for Sport	Senator Hon. Mark Arbib
Special Minister of State for the Public Service and Integrity	Hon. Gary Gray AO, MP
Assistant Treasurer and Minister for Financial Services and Superannuation	Hon. Bill Shorten MP
Minister for Employment Participation and Childcare	Hon. Kate Ellis MP
Minister for Indigenous Employment and Economic Development	Senator Hon. Mark Arbib
Minister for Veterans' Affairs and Minister for Defence Science and Personnel	Hon. Warren Snowdon MP
Minister for Defence Materiel	Hon. Jason Clare MP
Minister for Indigenous Health	Hon. Warren Snowdon MP
Minister Assisting the Prime Minister on Mental Health Reform	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	Hon. Tony Abbott MP
Deputy Leader of the Opposition and Shadow Minister for Foreign Affairs and Shadow Minister for Trade	Hon. Julie Bishop MP
Leader of the Nationals and Shadow Minister for Infrastructure and Transport	Hon. Warren Truss MP
Leader of the Opposition in the Senate and Shadow Minister for Employment and Workplace Relations	Senator Hon. Eric Abetz
Deputy Leader of the Opposition in the Senate and Shadow Attorney-General and Shadow Minister for the Arts	Senator Hon. George Brandis SC
Shadow Treasurer	Hon. Joe Hockey MP
Shadow Minister for Education, Apprenticeships and Training and Manager of Opposition Business in the House	Hon. Christopher Pyne MP
Shadow Minister for Indigenous Affairs and Deputy Leader of the Nationals	Senator Hon. Nigel Scullion
Shadow Minister for Regional Development, Local Government and Water and Leader of the Nationals in the Senate	Senator Barnaby Joyce
Shadow Minister for Finance, Deregulation and Debt Reduction and Chairman, Coalition Policy Development Committee	Hon. Andrew Robb AO, MP
Shadow Minister for Energy and Resources	Hon. Ian Macfarlane MP
Shadow Minister for Defence	Senator Hon. David Johnston
Shadow Minister for Communications and Broadband	Hon. Malcolm Turnbull MP
Shadow Minister for Health and Ageing	Hon. Peter Dutton MP
Shadow Minister for Families, Housing and Human Services	Hon. Kevin Andrews MP
Shadow Minister for Climate Action, Environment and Heritage	Hon. Greg Hunt MP
Shadow Minister for Productivity and Population and Shadow Minister for Immigration and Citizenship	Mr Scott Morrison MP
Shadow Minister for Innovation, Industry and Science	Mrs Sophie Mirabella MP
Shadow Minister for Agriculture and Food Security	Hon. John Cobb MP
Shadow Minister for Small Business, Competition Policy and Consumer Affairs	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

SHADOW MINISTRY—*continued*

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, 21 SEPTEMBER 2011

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Wednesday, 21 September 2011

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

BILLS

Coal Mining Industry (Long Service Leave) Legislation Amendment Bill 2011

Social Security Legislation Amendment (Family Participation Measures) Bill 2011

First Reading

Bills received from the House of Representatives

Senator LUDWIG: I present the bills and move:

That the following bills be introduced: A Bill for an Act to amend the law relating to long service leave in the black coal mining industry, and for related purposes—Coal Mining Industry (Long Service Leave) Legislation Amendment Bill 2011; and a Bill for an Act to amend the social security law, and for related purposes—Social Security Legislation Amendment (Family Participation Measures) Bill 2011.

Question agreed to.

Bills read a first time.

Second Reading

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) (09:31): I present the explanatory memoranda and I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

COAL MINING INDUSTRY (LONG SERVICE LEAVE) LEGISLATION AMENDMENT BILL 2011

This Bill gives effect to proposals, developed by an Industry Working Party, to reform the portable long service leave arrangements in the black coal mining industry. The Industry Working Party comprised of representatives from the NSW Minerals Council Limited, the Queensland Resources Council, the Construction, Forestry, Mining and Energy Union – Mining and Energy Division, the Electrical Trades Union, the Australian Manufacturing Workers Union, the Association of Professional Engineers, Scientists and Managers Australia, the NSW Colliery Officials Association and the Mine Managers Association of Australia.

I commend the industry participants on their collaborative approach and their commitment to the future success of the unique black coal mining industry long service leave scheme.

This Bill will amend the Coal Mining Industry (Long Service Leave Funding) Act 1992, the Coal Mining Industry (Long Service Leave) Payroll Levy Act 1992, the Coal Mining Industry (Long Service Leave) Payroll Levy Collection Act 1992 and the Coal Mining Industry (Long Service Leave) Amendment Act 2009.

Employees in the black coal mining industry have accessed portable long service leave entitlements under the terms of Federal Awards since 1949 which in turn were funded by an excise on coal production. Since 1993 the funding of entitlements has been through an employer levy scheme and administered by the Coal Mining Industry (Long Service Leave Funding) Corporation. Employers are reimbursed when they have made a payment to an eligible employee in respect of their entitlement.

A priority concern of the Industry Working Party was to ensure that the long service leave entitlement applied universally in the black coal mining industry. Amendments were made in 2009 to address this concern. Schedule 2 of the Coal Mining Industry (Long Service Leave Funding) Amendment Act 2009 extended the preserved award-based long service leave

entitlements to all the eligible employees who did not otherwise have an award-derived long service leave entitlement from 1 January 2010.

While the 2009 amendments addressed the priority concerns of the Industry Working Party this Bill seeks to further the 2009 reforms by providing for the remaining proposals of the Industry Working Party.

The Bill legislates the minimum long service leave entitlement for all eligible employees in the black coal mining industry based on the precursor award entitlement. Provision is made for all eligible employees, whether full-time, part-time or casual, to accrue long service leave in the black coal mining industry. An eligible employee will be entitled to long service leave when they have completed a period, or periods, of qualifying service totalling 8 years or more.

A key imperative of the Industry Working Party proposals was to improve the operation of the scheme so that the amounts that employers are reimbursed from the Coal Mining Industry (Long Service Leave) Fund in respect of long service leave payments more closely correspond to the amounts that they have paid into the Fund by way of levy. The Bill therefore changes the basis on which levy is imposed and facilitates changes to the employer reimbursement arrangements.

The Bill provides for a greater compliance role for the Corporation. The Corporation will have the power to require persons to produce information or documents and standing to pursue alleged contraventions of a civil penalty provision on behalf of the Commonwealth. Additional penalty provisions have been included and existing penalty levels have been increased in line with contemporary standards.

The Bill makes changes to the structure and representation of the Board of Directors of the Corporation to better reflect the current industry representative status of certain employee-representative and employer-representative groups, and to increase the terms of directors from 2 to 4 years.

The Bill also establishes a regime for transition from the award-derived long service leave scheme (preserved under section 113 of the Fair Work Act 2009 in respect of award employees

and extended to non-award employees by Schedule 2 of the Coal Mining Industry (Long Service Leave Funding) Amendment Act 2009) to the new statutory long service leave scheme established by this Bill.

The government is happy to facilitate these amendments proposed by the Industry Working Party which will benefit both employers and employees in the black coal mining industry.

I commend this bill.

SOCIAL SECURITY LEGISLATION AMENDMENT (FAMILY PARTICIPATION MEASURES) BILL 2011

The Bill introduces amendments to the Social Security Act 1991 and the Social Security (Administration) Act 1999 (the Administration Act) for the teenage parent and jobless families trials which were announced in the Building Australia's Future Workforce package in the 2011-12 Budget. The trials will be implemented in ten disadvantaged locations across Australia. The Bill will be accompanied by a legislative instrument which will outline limited circumstances where a Parenting Payment recipient with a youngest child aged less than six years can be required to attend interviews and develop a participation plan with the Department of Human Services. For teenage parent trial participants, parents can also be required to do the activities set out in the participation plan. Trial participants who do not meet these new requirements can have their income support payment suspended until they comply. Once they comply their payment will be re-instated and they will receive full back-pay. Family Tax Benefit will continue to be paid even where income support is suspended.

Joblessness among families is a significant social and economic problem in Australia and Australia has one of the highest proportion of children living in jobless families in the OECD. There are currently some 257,000 jobless families with dependent children who are on income support and who have no reported income over the last year or more. Being in a jobless family where no adult has a job for a significant period of time is associated with higher rates of poverty, poorer health status and lower education attainment for both parents and their children.

There are around 11,000 teenage parents on Parenting Payment in Australia. Over 90 per cent of these parents do not have Year 12 education and over a quarter only have primary school as their highest level of attained education. There are some teenage parents who do very well for themselves and their children. However there is also clear evidence that becoming a teenage parent carries with it a greater risk of poor life outcomes for both parents and children.

These trials provide new services, opportunities and responsibilities to boost the educational attainment and job readiness of the parents, and to increase the wellbeing and development of young children. Improved family functioning is an expected outcome of the trials.

Currently, a parent on Parenting Payment who has a youngest child reach six years of age, must look for a job of at least 15 hours per week. If parents don't do this, or if they don't accept a suitable job that is offered to them, they can lose their income support for a period of time. But for parents on Parenting Payment with children younger than six years old, there are currently no participation requirements. As at the end of June 2011, there were some 323,000 parents on Parenting Payment with no participation requirements.

The Government recognises the important role that this group of parents plays in caring for their young children. But there are often many services in their local community that they could be using while they are parenting – many of which are free of charge – to improve their family's life outcomes. This includes playgroups, preschool, TAFE courses, going back to school, attending baby health clinics and joining life skills programs such as cooking classes and financial management classes.

It is by making use of these services while their children are young that parents on welfare can improve their chances of being financially independent once their children are at school. Making use of these services also means their children are more likely to be school ready when they turn six years old. Making use of these services helps empower parents because they are exercising their right to use local community

resources from which they can sometimes feel excluded.

By introducing requirements for teenage parent trial participants which mean they must access local services and attend activities, the Government is sending a clear message that it is the responsibility of the parent to make the most of opportunities available to them. The trial participants will be teenage parents in the ten locations who do not have Year 12 or equivalent, who have children who are not yet 6 years old, and who are in receipt of Parenting Payment. There will be some 4,000 teen parents in total participating in the trial. Teen parents must seek to attain Year 12 or equivalent via their participation in the trial.

Each of the trial locations will have specially tailored opportunities for teen parents to re-engage with education, including options for studying without having to put children into child care. There will be people who can help teenage parents to navigate the variety of services available, including for example, helping them enrol in a course or go along to an activity for the first time. The Government has invested in extra services (such as Youth Connections and Communities for Children) in the trial locations to make sure parents get the help they need to participate.

To parents in the jobless families trial (all of whom have either been on income support for at least two years or who are under the age of 23 and all of whom are not presently working nor studying while on income support and who have children who are not yet 6 years old), the Government is sending a very clear message that attending Centrelink interviews and workshops and developing a participation plan are important steps towards being work ready once children start school. There will be some 22,000 parents a year participating in the jobless families trial.

The Bill will make necessary changes to the social security law so that parents subject to the new requirements do not lose entitlement to other non-participation payments (such as Family Tax Benefit) due to failure to comply with the new requirements. Parents in the trials will not be subject to the jobseeker compliance framework.

It should be emphasised that parents who are particularly vulnerable will be assessed by Centrelink and offered more intensive support via Case Coordination. This new approach helps Centrelink better identify a parents needs and allows them to provide more appropriate referrals and better services at the time they are needed most. This support may also extend to exempting the parent from certain aspects of the trial for a period of time. The trials will be closely monitored to ensure they are effective and fair.

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

Ordered that the bills be listed on the *Notice Paper* as separate orders of the day.

BUSINESS

Consideration of Legislation

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) (09:33): I move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Defence Legislation Amendment Bill 2011

Indigenous Affairs Legislation Amendment Bill (No. 2) 2011

National Residue Survey (Excise) Levy Amendment (Deer) Bill 2011

Protection of the Sea (Prevention of Pollution from Ships) Amendment (Oils in the Antarctic Area) Bill 2011.

Question agreed to.

Days and Hours of Meeting

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) (09:33): I move:

That—

(1) Divisions may take place on:

(a) Thursday, 13 October 2011, after 4.30 pm; and

(b) Monday, 21 November 2011, before 12.30 pm.

(2) The order of the Senate of 22 November 2010 relating to the days of meeting of the Senate for the year 2011, be modified as follows:

Insert "Monday, 7 November to Thursday, 10 November".

(3) On Tuesday, 1 November and 8 November 2011:

(a) the hours of meeting shall be 11 am to 6.30 pm and 7.30 pm to 10.40 pm;

(b) the routine of business from 11 am shall be consideration of the government business order of the day relating to the Clean Energy Bill 2011 and 17 related bills; and

(c) the question for the adjournment of the Senate shall be proposed at 10 pm.

(4) On Thursday, 3 November and 10 November 2011:

(a) the hours of meeting shall be 9.30 am to 8.40 pm;

(b) consideration of general business and consideration of committee reports, government responses and Auditor-General's reports under standing order 62(1) and (2) shall not be proceeded with;

(c) the government business order of the day relating to the Clean Energy Bill 2011 and 17 related bills shall have precedence over all government business;

(d) divisions may take place after 4.30 pm; and

(e) the question for the adjournment of the Senate shall be proposed at 8 pm.

(5) The government business order of the day relating to the Clean Energy Bill 2011 and 17 related bills be considered under a limitation of time and that the time allotted be as follows:

(a) on Thursday, 3 November 2011, from 3.45 pm to 4 pm—second reading;

(b) on Thursday, 10 November 2011, at 4 pm—all remaining stages, excluding consideration of any messages from the House of Representatives; and

(c) on Monday, 21 November 2011, at 6 pm—all remaining stages, including consideration of any messages from the House of Representatives.

(6) Subject to paragraph (5), this order operate as an allocation of time under standing order 142.

This motion today, should it be successful, sets in place the way in which the Senate will handle the package of clean energy legislation in November this year. It is important to pass this motion today for the benefit of senators, their staff and parliamentary staff to have clarity about when we will sit in November to deal with the Clean Energy Bill. I do not intend to spend a great deal of time in setting out the issues that are substantive to this motion but rather to provide the Senate with the opportunity to be forewarned of the hours that we will sit.

I could of course list the various acts that the opposition, when they were in government, dealt with and the way that they managed the chamber, but I do not intend to take us to the detail of those issues. I could contrast that with the moderate, measured way that the government has managed the chamber in the past 3½ years, the generous time the government has provided the opposition for dealing with issues in the Senate and, of course, the way that the government has set out this motion to provide for the hours of debate.

The opposition's record of managing the chamber when in government—if I could just take us there fractionally—speaks for itself, particularly during the fourth term of the Howard government when the now opposition had a majority in this place. They used their numbers to gag debate almost routinely.

Over 30 bills were debated under guillotine during the Howard government's fourth term. The opposition are in no position to condemn this motion today when they look at their record.

The truth is that, when a government has a majority and can exercise it, it should do so with principles in mind, it should do so courteously and it should allow sufficient debate so that people can contribute to the debate and it does not end up in what would be described as a filibuster. In terms of managing the legislative program, it is important that the program does proceed. We have an important group of bills to pass through the Senate and it is the intention of the government, with the support of the Greens, to pass this legislation.

The key question is whether guillotine motions are arbitrary and restrict debate or whether they actually permit the chamber to devote a decent amount of time for constructive debate of the legislation. On occasions a constructive allocation of time for a motion can ensure that the chamber operates so as to manage its business and to effectively review legislation rather than be captured by political grandstanding and filibustering that drags out the debate on the legislation.

This motion is the right motion to ensure that we can move through both the second reading and the committee stage of these bills in the time allocated, which is set out in the motion. It provides for a reasonable time for debate, and it is, as I have indicated, an important package of bills that the government is seeking to pass in the time allocated in the motion itself. The Senate of course does need to consider this legislation, but it does not have to do so in an exhaustive way, and where everyone is exhausted, with ad hoc additional hours. What we have done in this motion is set out reasonable hours to ensure that people do not become exhausted.

But we do need to ensure that, as we have set forward, these bills are passed by 21 November. I also foreshadowed that the government will be seeking to pass the Steel Transformation Plan Bill and the bill establishing the Australian Renewable Energy Agency by 21 November 2011. That means that on 21 November there will be two further bills on which we will seek the opposition's agreement to debate.

The clean energy package that the government will shortly bring to this chamber will conclude the first of a significant phase of the parliament's response to climate change. Parliament has spent untold time and energy on this issue. The parliament first considered the issue in 1994, almost 17 years ago. Since then, there have been no fewer than 35 parliamentary inquiries—36 if we add the current Joint Select Committee on Australia's Clean Energy Future Legislation looking at this package of bills. Exhaustive policy work has been undertaken on this issue. The Howard government itself was responsible for much of this work and adopted the conclusion of the work undertaken: a price on carbon was opposition policy until almost two years ago. This legislation will deliver a carbon pricing mechanism.

The motion for the variation of hours seeks to set reasonable parameters for the debate on the clean energy legislation in the Senate, with four additional sitting days in November and additional hours on Tuesdays and Thursdays. The Senate will have a fortnight for the debate of the package. So, ostensibly, the first week will allow for speeches in the second reading debate to continue and the second week will be for the committee stage and any amendments foreshadowed. By allowing a reasonable allocation of time for debate on this package, this motion will allow at least 20 hours of debate in each of the two weeks—

Opposition senators interjecting—

Senator LUDWIG: If I can be bold enough to assume that the opposition will allow the debate to progress without endless procedural motions or interruptions, then the time available will be theirs to spend on the second reading and committee stages. The opposition can of course choose to add to that time through MPI debates and other opportunities that are available, or they can spend the additional time—particularly the four sitting days added to the program—actually debating the substantive matters of the bill. The government is not seeking to curtail question time, notices, the adjournment debate or private senator's business; all of that remains for the opposition to use effectively. The motion does remove general business for those two weeks, but this is to ensure that we can conclude the debate by 21 November, with the bulk of the debate taking place in the first two sitting weeks of November. This motion will allow relatively normal parliamentary sitting weeks, as I have indicated, with considerable time for the second reading and committee stages of the legislation package.

The government anticipate that the opposition will use this time to debate constructively, to review the legislation, despite their clear position of being opposed to the legislation. Their position is of course on the record. I would encourage them not to take the time to filibuster during this debate but to constructively use the time available to debate the substantive issues contained within the two bills. In fact, they could demonstrate that this morning by supporting the passage of this motion so that we can ensure that those two weeks are available. I am not so sure the opposition are going to do that; I suspect they are going to oppose it and I suspect they will continue to debate this for some time. However, we are keen to ensure that we do get on with parliamentary

business and that we do not spent interminable time in filibustering, stretching out the debate, when we have important legislation to conclude this week as well.

Finally, I remind the Senate of the context of this debate. This package is the culmination of an extraordinary amount of work over the past 17 years. In the past three years, there have been numerous committee inquiries into the issue, with one joint committee inquiry completed this year; exposure drafts of the legislation from that inquiry; and, finally, the joint select committee inquiry due to report next week. The issue has been considered at length. It is now time for this package of bills to be debated. This motion for the variation of hours will put in place the appropriate mechanisms to ensure that the opposition have sufficient time to proceed with the debate, and I hope they engage in that process and contribute constructively to the debate. I seek the support of the chamber for this motion.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (09:43): The coalition oppose the motion which seeks to extend the hours of the Senate. The reason we do that is that the Senate is currently being confronted with an unseemly rush to get a package of legislation through this chamber, a package of legislation that is built on deceit. The Labor government went to the last election saying 'there will be no carbon tax'—and, but for this package of legislation, there would be no need for these extended hours. It is amazing, isn't it, how the Labor Party are able to dress up their deceit of the Australian people? They call this the 'clean energy' package. It should be called the 'dirty hands' package, because that is exactly what it is. It is based on their deception of the Australian people, whereby Ms Gillard said about a week before the election, when the polls were neck and neck, 'There will be no carbon tax under a government I lead.' Either

she deceived the Australian people or she has to accept that which a lot of Australians now suspect—that she in fact is not leading this government but Senator Bob Brown and the Australian Greens are. No matter how Senator Ludwig, Labor and the Greens try to dress up this clean energy package, it is a dirty package and it is a deceitful package. There is no doubt that, if Ms Gillard had said to the Australian people six days before the last election, 'There will be a carbon tax,' she would not be Prime Minister today and Mr Abbott would be the Prime Minister of a majority coalition government. No matter how much they seek to dress up the morality and the importance of this package—even calling it a clean package when it is conceived and built in deceit—the Australian people know what this is about. It is about rushing through a deceit on the Australian people.

This is a package of some one-and-a-half dozen bills. Labor boast that this is going to be the biggest change to the Australian economy ever. Let us just assume for the moment that their boast is right. If their boast is right, how is it that the only parliamentary examination of this package of bills is to be the Joint Select Committee on Australia's Clean Energy Future Legislation that was set up where Labor and the Greens ruthlessly used their numbers to get the chairmanship and the deputy chairmanship, completely and utterly against normal parliamentary procedure. That is how desperate they are to ensure that there is no proper examination of this legislation. This committee—which has to report, if I recall correctly, by 5 October, within 19 days—will be one of the most truncated committees ever for a package of this size. The committee is starting the hearings today. Guess who its first witnesses are? The department of the Treasury. Has Treasury finished its modelling? We as a coalition asked that question yesterday of the Minister for Finance and Deregulation,

Senator Wong. She refused to answer. When a point of order was taken as to relevance about the very specific question, 'Has the modelling been finished?' she again refused. The committee today will be discussing with Treasury the impact of this legislation in the absence of the Treasury modelling having been made available to it.

But Senator Ludwig says how gracious the government are in giving us all this time. If they were genuine, they would be giving us the Treasury modelling. Why do we need new Treasury modelling? Because the first lot of modelling was based on \$20 a tonne and we now know it was the Greens that foisted \$23 a tonne on this hapless and hopeless government. This is a government that cannot get a trick. I do not know what it is about them but they have this unique capacity to come out with big headlines with everything else turning to custard underneath. Remember cash for clunkers, pink batts, Building the Education Revolution, green loans, solar panels, the East Timor solution and the Malaysian solution. No matter what area of government endeavour you look at, this is a government that is highlighted by one word—incompetence. With this package of legislation they add another word, and that is deceit.

We are being asked to support legislation—and support the rushing through of legislation—of an incompetent government which has based its mandate and this legislation on deceit of the Australian people. Why the rush? Why does the legislation have to be passed, as this motion would suggest, by 21 November? In fact, the parliament is scheduled to sit for a week after that, so why can it not be finished at least at the end of the current proposed parliamentary timetable? Why does it have to be truncated before the parliament rises?

I ask the government and the Australian people: why would you seek to impose a carbon tax—the highest, the heaviest and the most damaging carbon tax anywhere in the world—at a time when the International Monetary Fund is telling us to be prepared for a double-dip recession, at a time when the economy especially in Europe and the United States is not flash and at a time when we should be fastening our seatbelts for another economic crisis? When they are warning us that commodity prices may well start tanking very shortly, here is this government hell-bent on imposing not only a carbon tax but also a mining tax just to make sure that if one does not kill off the Australian economy the two combined will hopefully have that effect.

Why this rush? It is amazing how history repeats itself with this Labor government and they cannot learn from their past mistakes. This is a government that sought to go to Copenhagen with legislation, and we remember that. We would have been the clowns of Copenhagen. We would have been seen as the fools of the world, going to Copenhagen with a legislated Carbon Pollution Reduction Scheme when not a single other country in the world was going to do that. Not content with or learning from that failure, Labor are now desperate to get Australia to go to Durban so we can be the dunces of Durban and wave legislation around and say, 'How clever are we: we have legislated a scheme which is going to destroy Australian jobs, destroy the Australian economy and do nothing for the world environment to boot.' We know that to be the case.

The question the government have to answer is: why is there this indecent haste on a policy that they promised the Australian people they would not implement? Indeed, the Australian people are quite right to ask how it is—especially in the House of Representatives where every single Labor and

coalition member was elected on a promise of no carbon tax—that in all likelihood a majority of House of Representatives members are now going to vote for a carbon tax. How is it that this Greens tail can wag the Labor dog? The reason is that there is no spine in the dog. Ms Gillard, when confronted with the spoils of office, was willing to forego any promises she had made to the Australian people. She was willing to trade anything to remain Prime Minister. I do not care what she trades in a personal capacity but I do mind, and the coalition minds, when she trades Australia's future in doing so—and that is what she has done. She will be recorded in history as having done so and will be judged very harshly.

I remind Senator Ludwig and those who are genuinely interested of the need to ventilate issues. The Labor Party were always against tax reform and the goods and services tax. We accepted that, but that change, that reform to the Australian economy, spent five months in this chamber and was scrutinised by four specialist committees—five months; four specialist committees. Labor and the Greens—wait for it—will not allow a single Senate committee to have a look at this legislation. They will say, 'We have this joint committee,' but it will have to report within 19 days—not five months—and at this stage it does not even have the new Treasury modelling. How can the committee do its work without the Treasury modelling? It is a joke and it is treating the Australian parliament and the committee with contempt—other than those committee members who are part and parcel of and conniving with that contempt, such as the deputy chair, Senator Milne, who is willing to be part and parcel of this deception of the Australian people.

Ms Gillard went to the last election promising there would be no carbon tax. She then said she wanted to build a consensus

about putting a price on carbon. I congratulate her; she has achieved a consensus. The consensus is against a price on carbon. The consensus is against a carbon tax. Yet she is wilfully flouting the will of the Australian people and she is willingly flouting her own solemn promise to the Australian people—the promise that she solemnly made, staring down the camera, speaking to the Australian people, saying that there would be no carbon tax.

As I go around the country, electorate to electorate, little newspaper to little newspaper—regional papers—the Labor Party are always telling us how important the carbon tax is. What they never tell us is why they went to the last election on a no-carbon-tax promise. They do not apologise to their electorates and they do not explain to their electorates why they changed their minds—they just hope they can airbrush it out. When confronted, they cannot provide a single answer other than that the Australian Greens foisted the carbon tax upon them. That is the shame of the Australian Labor Party. I am sure that the Labor Party of the Ben Chifleys and the John Curtins of this world would never have countenanced the sort of hectoring and bullying and blackmail which this government is willing to submit itself to from the Australian Greens.

That is why it is good to see a genuine labour representative in this place like Senator Madigan from the DLP. At least he understands the impact this carbon tax is going to have on the workers of Australia and on the businesses of Australia. He also understands that it will make not one iota of difference to the world's environment. I would invite any Labor speaker or indeed any Greens speaker in this debate to tell us how much world temperatures will go down if we legislate this carbon tax. Can they tell us how much less sea levels will rise if we legislate this carbon tax? Whenever I am in a

debate with a Labor or Greens member or senator, I continually ask that question and they can never give a response. What is the reason? Because they know it will make no difference. This is all about a huge cash grab by a desperate Treasurer and a desperate government wanting to do the right thing by the Greens and trying to scramble together enough money to make their budget balance.

Is it not bizarre that overnight another Labor Treasurer who has been unable ever to deliver a surplus gets, as did Lehman Brothers and Paul Keating, some gong for economic management while great Australian Treasurers, such as Peter Costello, never got one? It really does make one wonder how these international organisations operate when Lehman Brothers get an award—and, my goodness, they have a lot to answer for—and Paul Keating, the man who got us into all the debt that the coalition had to clear up, gets a gong and now Mr Swan gets a gong. I think it is a perfect trifecta. Mr Costello should be very happy that he was never given a gong, because he would be in very uncomfortable company if he were to have got one.

But I digress. The simple fact is this: this package of bills, this dirty package, is based on deceit. The Labor Party know it. It is not based on good economics, it is not based on good social policy and it is not based on good environmental policy. I see Senator Brown in the chamber, a man who is able to make great prognostications about the future of our nation. I still remember 1981, when there was a proposal for a clean energy power generation scheme in Tasmania. Senator Brown led the charge against it. Do you know what his proposal was as an alternative power supply? The building of a coal fired power station. That was his proposal when Director of the Wilderness Society of Tasmania.

The good thing is, when people stay around for a while you can ask what were their predictions 30 years ago; what was their public policy proposal 30 years ago. We would have had a coal fired power station in Tasmania belching out CO₂ emissions if Senator Brown, then Director of the Wilderness Society, had had his way. Of course Senator Brown in this debate will make all sorts of predictions about the future, about what is going to happen if we do not pass this legislation, but I just remind people of some of the other predictions that Senator Brown and the Greens have made that simply have not come to pass.

This is a government beholden to the Greens. It will do whatever the Greens require of it. I know that there are many Labor people who do not want to vote for this package of bills. They know it is destructive. They know it is going to devastate the Australian economy in the absence of world action. We as a coalition say you can change and show leadership in a sensible manner through a direct action plan without mugging your economy and without mugging Australian jobs. Yet Labor, having promised no carbon tax, are now seeking to rush one through this chamber—and of course inflict it on us so that they can go to Durban as some sort of heroes. They will go to Durban as the dunces of the world, having legislated a dirty package that will destroy jobs, destroy the wealth of our nation and do nothing for the environment.

I ask again, how can the government assert it is giving us enough time on this debate while it is withholding fundamental Treasury modelling? As the Joint Select Committee on Australia's Clean Energy Future meets today, that modelling will not be available. When we ask questions about the impact, day after day after day on behalf of this government Senator Wong simply refuses to answer the questions that do need

to be answered. Can I simply say to Labor: you might be able to get away with it in the chamber in 2011 but you will not be able to get away with it when the Australian people cast their verdict on you. You cannot make a solemn promise to the Australian people and then simply discarded it like a soiled tissue as being of no consequence. This is a matter of the most serious nature. The Australian people do not want this carbon tax, they do not want this government, and we as a coalition will fight this all the way.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (10:03): I say at the outset that the Greens will be supporting this motion for due process and for an orderly debate on the carbon price package for this nation. This goes way beyond what the coalition in office allowed this chamber when discussing, for example, the second tranche of the sale of Telstra, where we had a guillotine brought in, a very truncated debate, a one-day committee and, bang, through it went.

Senator Fifield: But you're better than us, Bob.

Senator BOB BROWN: The opposition member is saying that the Greens are better than the Liberal Party, and I have to accept that interjection—I agree. It is amazing that the coalition, these conservative upholders of the good, although they have been listened to in silence, are interjecting now that I have got to my feet. I am always fascinated by their bad behaviour when they are losing an argument.

If I might plagiarise Oscar Wilde, if there is one thing better than Senator Abetz refusing to talk to you, it is when he talks you up. When he became minister for forests under the Howard government his first statement that very day was that he would not talk to me as a Greens senator about forests in Tasmania. I guess that was a mixed

blessing as far as I was concerned. Here we have him in the chamber today talking up me and the Greens as being the nation's strongest political advocates for action on climate change. I thank him for that. It is only fair and proper that I do. By the way, he made reference to the Treasurer, Mr Swan, getting a gong overnight for the state of the Australian economy and its ability to ride through the recent global downturn. I want to congratulate the Treasurer for that accolade. It is a high accolade for him and the government and for Australia, and it should be recognised as such. This award does this nation good, and the Treasurer is to be commended for it.

We now have in prospect an orderly process for the debate on this worthy carbon package—but a package which is way short of where the Greens think we should be taking Australia as a leader in climate change action around the world. This worthy legislation deserves to pass this parliament and to pass it this year. The government has brought forward an orderly process in this motion. The Joint Select Committee on Australia's Clean Energy Future is sitting now with cross-party representation looking at the legislation and taking further advice from business, from the unions, from non-government organisations and from the community at large. It will report back to the parliament and when we get toward the end of the parliamentary year we will have a process for two weeks of debate in the Senate of this extraordinarily important legislation.

This legislation has been the subject of almost unprecedented public debate, media scrutiny and input from right across the nation and, when I look at the polls, has huge support from the 1.5 million people who voted Greens at the last election. I commend the government, the Prime Minister and, indeed, the Independents in the House of

Representatives—Mr Windsor and Mr Oakeshott—for the process and the responsible way in which, a year after a committee was established by this parliament—quite unprecedented, cross-party representation, both houses involved—we now have a package of consensus legislation before the parliament which, given all the circumstances, will move the nation forward in taking reasonable action on climate change. It certainly does not have any winner taking all. It is a consensus arrangement and it is one that we are committed to.

I must make reference here to my colleague and deputy leader, Senator Christine Milne, who is at that committee at the moment, for her proposal to establish that committee. For the record, I refer also to the Prime Minister because, when I went in to put Senator Milne's proposal, the Prime Minister had by happenstance the same proposal to establish a committee, because the Labor Party and the Greens had different positions. Prime Minister Gillard had the maturity to say, 'We cannot at the outset here come to an agreement. Let's go to the wider Australian public, to business, to the non-government organisations and to the community as a whole through a committee process. Let's bring in the experts to establish the way forward.' She has been pilloried for a statement on no carbon tax made during the election campaign but what is passing strange about that is that the Leader of the Opposition, Mr Abbott, who in a memorable submission on the *7.30 Report* said you cannot have faith in words that are not written down—'What I say is not necessarily what I will do'—has advocated what Senator Abetz has just described as a direct action plan.

What is not said there is that this commits the opposition to the same target as the Labor Party, which is a 5 per cent reduction in greenhouse gas emissions from Australia

over 1990 levels by the year 2020. But the process is very different. If there is one thing to be said about a failure of the media, it is its failure to put the spotlight onto this direct action plan of Senator Abetz and Mr Abbott.

The preliminary figures from Treasury were that that action plan by 2020 would cost Australian households, on average, \$720 per household per annum. But the difference between that and the Labor-Green-Independents formula now before this parliament is that not only is it more but also there is no compensation for householders. They would be paying that through the teeth.

In the last couple of weeks, to compound this fact that the opposition intends to pulverise the household budget to foster the big polluting industries—because that is where the money from households will go; it is to give the big polluting industries money to clean up their act—Mr Abbott, the honourable Leader of the Opposition, said that he would not allow international offsets. That means that the big polluting industries, as part of meeting their need to cut greenhouse gas emissions overall, could not in their trading profile go overseas and purchase offsets such as potentially protecting rain forests or, better still, buying into real renewable energy projects elsewhere and so prevent or offset the release of greenhouse gases in other countries.

By doing that, he is saying that these big polluting industries must find within Australia the totality of such offsets. Treasury has had a look at that prospect and its modelling—and this apparently escaped Senator Abetz because he was after Treasury modelling but this is out in the public arena and he did not want to go there—is now that every household in Australia, on average, by 2020 under the Abbott-Abetz plan would be hit by \$1,300 extra in electricity bills and—here is the rub—with no compensation.

The Labor-Greens-Independents model gives every household across the spectrum the opportunity for offsets and, on average, that compensation means that households will be compensated for an increase in power costs flowing from action to clean up the environment. Indeed, some low-income earners, including pensioners, get a bonus out of it. They get more money than there will be in projected power price increases down the line. With this is an effort to get householders to use the compensation flowing from the money raised under the Labor-Greens-Independents formula off the big polluters to invest themselves in household measures which will save energy and lower their household bills. It is a double win for households.

But, under the Abetz-Abbott plan, households will be smacked an extra \$1,300 per annum by 2020, with no compensation and, therefore, no opportunity to purchase the equipment or get the advice that will help cut their power bills. In fact, they are faced with an inhibition to do that because they will be out of pocket. Where is that money going to go? It will go to the big polluters. So that is the alternative of the Abetz-Abbott opposition, supported by Senator Joyce and the National Party in this place.

They have talked about a great big new tax. Well, they are going to have great big new power bills of \$1,300, on average, per household by 2020, with no compensation and an inhibition on people to reduce their consumption. Whereas there is a stimulus, an opportunity, through compensation for all households so compensated in Australia to reduce their power and to feel good about that because they are contributing to reducing greenhouse gas emissions in this country, which is the biggest per capita greenhouse gas polluter on the face of the planet, certainly amongst the richer nations. At the same time, of course, they will be better off.

There is a simple dictum here, which you will hear in the upcoming debate. The Abetz-Abbott prescription is to take money from householders and give it to the big polluters. The Gillard government-Greens-Oakeshott-Windsor prescription is to take money from the big polluters, who are very often largely foreign owned and export their profits, and give it to the householders. That is the difference. I am sure the current inquiry that got underway this morning will be able to add greater information to that winning profile for the Australian public that is invested in this legislation, which is having a fair go in terms of public scrutiny and which will have a fair go in terms of two weeks debate here in the Senate before it is finally put through, if the Senate so decides, in time for us by the end of this year to have Australia as one of the leading nations when it comes to action on climate change.

I listened to the ABC's radio news channel a few days ago, to a BBC question session on Al Gore, the former Vice-President of the United States who has become a champion of action on climate change. What became apparent is that, when you get outside the boxed-in debate within politics in Australia, you can hear from such an eminent figure, who shared in a Nobel Prize for work on climate change, accolades for Australia for now being up there with China and India, which recently put a tax on coal, as leading the world in new action to tackle climate change.

In an hour or two I will be talking to the very important conference on tourism and transport, which I think the Prime Minister might be addressing at about now in this parliament. One of the things that will concentrate the minds of the conference is the future of one of the great tourist icons in Australia, the Great Barrier Reef. Senator Abetz may say what he likes but the fact is the science says that with carbon dioxide

being absorbed by the ocean and the ocean becoming more acidic, even if you set aside the impact of coral bleaching through warming of the oceans, the Great Barrier Reef is faced with massive damage later this century through acidification, the increasing acid component of the ocean which prevents the corals from replicating. There will be massive damage, and yet we have a coalition—and I am afraid we have to look at Labor on this, which wants to promote greater coal exports out of Australia by the largely foreign owned coal industry, with one of the expenses coming out of that being the threat of massive damage to this great icon of nature on the planet, which is one of the earlier recognised World Heritage components of Australia's magnificent natural heritage.

According to Queensland government figures, the Great Barrier Reef supports over 60,000 jobs and has a \$6 billion annual economy the majority of which, unlike with the coal industry, flows through into the coffers of small business and to the regional economy.

Senator Bernardi interjecting—

Senator Joyce interjecting—

Senator BOB BROWN: I have coalition members interjecting. They have an opportunity to dispute those figures if they wish to, Madam Acting Deputy President.

Senator Bernardi interjecting—

Senator BOB BROWN: We are getting 'shonkiness, rorting, despicable, corruption'—those are words coming from the opposition, and it just shows you, Madam Acting Deputy President, the level of debate that we are going to get from this coalition. Of course, the people listening to this are getting a registration of the ability, the intellectual baselessness of the way this coalition approaches politics in Australia in 2011. Their speakers were listened to in

complete silence in this place, but here we have the National Party and Senator Bernardi—you can hear it, Madam Acting Deputy President—cutting across me from two seats to the right with a level of debate which puts shame on the coalition.

That having been said, I stand here as the leader of the Australian Greens who is proud of the work we have put into this legislation, the positive nature of it, the way in which it will move Australia forward, the way it honours future generations of Australians through action rather than inaction and the very fact that built into it is a social justice component.

I end this contribution by repeating that this legislation will take from the big polluters and give to households. The opposition's prescription is to take from households to give to the big polluters. We are proud of which side we are on in that debate.

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (10:23): Here we go again. As with every problem that the current government faces, it is somehow the opposition's fault. Failed border protection policy? That is our fault. Falling consumer confidence and falling business confidence? That is our fault. And here today with the parliament's legislative agenda, apparently the government's difficulties are yet again the opposition's fault. We had an extraordinary press release issued on 13 September by Senator Evans which sought to make that claim. It was also a media release that was pretty disrespectful to the Australian Senate. It was headed 'Extended sitting hours for Senate to pass legislation'. It said the Senate will sit an extra week and have extended sitting hours for the remainder of the spring session to deal with the government's full legislative agenda. The only problem is there was no proposition at

that time before the Australian Senate to do that. The Australian Senate had not considered that particular proposition. I will give Senator Ludwig credit: he would never show such discourtesy and disrespect to the Australian Senate by issuing a press release of that nature.

It was quite extraordinary. On 13 September that release was issued. Here we are on 21 September now for the first time having this matter before the Senate to debate. It just goes to show the level of disrespect and the level of contempt that the Leader of the Government in the Senate has for this chamber, that he would put out a press release stating what the Australian Senate was going to do before the Australian Senate had even had the opportunity to consider it. It was compounded by Mr Albanese, who on 12 September declared that the upper house would sit an extra week starting on 7 November. How great is that: the Leader of the House telling the Australian Senate what it will do. In the press release by Senator Evans he accused the opposition of delaying tactics and that is part of the justification which Senator Ludwig canvassed, delaying tactics apparently by the opposition, as to why extended hours and an extra week are needed. That is wrong. It is a pretty obvious point: we are an opposition, this is a house of review and we have actually got a job to do to scrutinise legislation. We are not going to curtail debate because the government does not enjoy scrutiny. Let's face it, it is not as though this government has an unblemished record on public administration that does not warrant a bit of decent scrutiny.

Senator Evans in that same press release said:

It is time for the opposition to stop its negative obstruction and start dealing with legislation in a constructive manner.

We do. This has been an exceptionally constructive opposition. We routinely

facilitate the swift passage of non-controversial and time-critical legislation. In fact, last week, with the cooperation of the opposition, I think it was 14 bills that passed through this chamber. This week already we have had four bills pass through the chamber, and one of the first items of business today was exempting four bills from the cut-off—something which the opposition readily agreed to because we take a practical and a constructive approach to the management of business in this chamber. But there is no obligation on this opposition, or any opposition for that matter, to facilitate bad legislation. There is no obligation on us as an opposition to deny due scrutiny to bad policy. There is no obligation on any party particularly to facilitate legislation that seeks to break a solemn election commitment. So the opposition completely rejects the accusations of delaying tactics, of negativity and of obstructionism canvassed in Senator Evans's press release and also by Senator Ludwig.

There is another point that is important to bear in mind, and that it is the government's obligation to manage their legislative program within the sitting schedule that it publishes. That sitting schedule is published at the end of each year for the coming year. That is the government's call. They set the timetable; they set the agenda. We reject the request for the extension of hours and the extra sitting week because the government should be able to manage within the hours that are scheduled. That does not mean that as an opposition we always will say or always have said no to extra hours. The opposition have on occasion agreed to extra hours for government business. But the onus is on the government to make the case for a change to the sitting schedule and they have not done so. So we will be voting against the proposed extension of hours and also the additional week.

The government will respond, no doubt, as they usually do, that the opposition does not like to sit late, but I think you would be hard-pressed, Madam Acting Deputy President, to find an opposition that has worked harder than this opposition. If the government needed more time, they should have scheduled extra weeks in the first place. As I said, they are the government, they scheduled the sitting weeks and it is their responsibility to manage their legislative agenda within that schedule. But, if you were to listen to those opposite, this is apparently another problem of the opposition's making.

One of the great lies here is that the government lacks the capacity to properly manage the legislative agenda. They certainly have the ability—I guess that is a better way to put it—to manage the legislative agenda but they lack the capacity, it would seem. In the House the government has a governing block and in the Senate the Labor-Greens alliance has the numbers, as we have seen with Senator Brown and his extraordinary declaration today that he is very comfortable with the guillotine being exercised. We have heard minister after minister over recent weeks declaring how well the parliament is going and how many pieces of legislation have passed the parliament. Many members of the gallery have cited those ministers, saying, 'Well, you have to give it to the government, they have got a lot of legislation through.' But the government cannot have it both ways. They cannot in one breath say that the parliament is working well, with legislation flying through it, and then in the next breath say that the opposition is being obstructionist. It defies logic to hold those two propositions in contention at the same time.

The crux of the motion that is before us is the matter of the government seeking an extra week of parliament. That week is being sought for one reason and one reason alone:

the carbon tax. The opposition feel absolutely no compunction to accede to this request. The proposition the government is putting to the Senate for an extra sitting week is essentially that the Senate should be complicit in facilitating the government to break a solemn commitment to the Australian people. That is really what this motion is about. They are asking the Australian Senate to be complicit in facilitating a lie. The opposition will not be complicit in that venture. We will say no. The Prime Minister went to the last election vowing not to introduce a carbon tax. Every Labor member and senator in fact has a mandate not to introduce a carbon tax. There could be nothing clearer.

In seeking to sidestep that particular fact, Senator Ludwig referred to how long the proposition of putting a price on carbon has been in public debate. He said we have been debating this since 1994. Give me a break! I would have thought that the proposition before the Australian people—in fact there was no proposition before the Australian people in 1994, so I should say that the extent to which this matter was in public debate surely would have been a completely different concept. It was something that was barely in the public consciousness. To cite back to 1994, and any public discussion that there might have been then, as some justification as to why we do not need proper and decent scrutiny in 2011 was, I thought, a little far-fetched.

There is absolutely no rush to get this legislation through the parliament. I have not heard a credible rationale as to why debate on this package of bills in the Australian Senate should be restricted to two weeks. The only rationale I can glean is that it is an attempt to deny appropriate scrutiny. Already we have 19 bills being corralled into one committee. It is a committee that is stacked and does not reflect the makeup of the Australian parliament. It is a committee

whose deputy chairmanship, against all convention in this place, has gone to the Australian Greens. It is stacked and its outcome is a foregone conclusion.

It is bad enough that the government sought to evade the scrutiny of the Australian people at the election. It is bad enough that the government went to the Australian people with a lie. It is bad enough that the government formed office on the back of a lie—we know it well: that there would be no carbon tax under a government led by Ms Gillard. Does anyone seriously believe that the Australian Labor Party would have won enough seats to form government had they come clean with the Australian people before the election? There is only one answer to that: no, of course they would not have. We all know that. That is why they fibbed to the Australian people in the first place. I do not think it is a stretch to call that a form of electoral fraud, not in a legal sense, not in a technical sense, but in a moral sense. That electoral fraud is something the Australian Labor Party will be accountable to the Australian people for. It is something that the Australian Labor Party will ultimately be answerable for at the polls.

The place in which we stand today is the place where the government of the day is answerable and accountable in between elections. We know that they fibbed to the Australian people and there is nothing we can do about that here today. But in between elections this is the place where the government is accountable, and it is in the committees of the parliament, as well, that there is accountability. Having evaded public scrutiny the least the government should do is allow the most full-blooded scrutiny and debate in this place. The government's answer to that is, 'Look, what are you complaining about. We are scheduling an extra week and some extra sitting hours.' No, that is not good enough. You had a

legislative program and you should have managed within it. This package of bills is so significant that it should not be a matter of weeks being allocated to it; it should be a matter of months being allocated to it. We have heard from the Greens that this package has to go through the parliament because of a conference at Durban. A conference at Durban? I am sorry but I am not terribly fussed about what whoever is at that conference in Durban thinks. I care what the Australian people think. I care about the effect legislation passed through this parliament has on the Australian people—on their cost of living and on the capacity of business to sell their goods and services. That is what I am concerned about, not some conference in Durban. I am not concerned with providing an opportunity for the government and the Greens to strut about waving their legislation and saying, 'Terrific, aren't we great. Look at what we got through.' That could not be of less interest to me and it could not be of less interest to the Australian people. Durban is an artificial barrier. It is bad enough that the government fibbed to the Australian people. It is bad enough that they formed government on the back of lie. The very least this government should do to seek to salvage some dignity is have a proper full-blooded debate in this place. They should go to the Australian people. They should call an election, but we know they are not going to do that because the result would be clear.

Senator Kroger: They would lose.

Senator FIFIELD: They would lose. They do not want to present themselves to the judgment of the Australian people. The model for scrutiny of significant economic change is the goods and services tax, which I think was change for good, unlike the carbon tax. I would argue that, whether you think the carbon tax is good or bad, it is a much more far-reaching change to the Australian economy than the GST ever was and, as

such, it deserves greater scrutiny. The model for scrutiny is the GST as introduced under the Howard government. The contrast between our approach to significant economic change—I will not call it 'reform' because it is not—under this government and the significant economic reform under the previous coalition government could not be more different.

Firstly, the coalition sought a mandate at an election. There was no hiding, no subterfuge. Having won a mandate, we submitted our legislation to the most searing and searching scrutiny of any legislative package in the history of this parliament. At that time, the GST legislation sat on the table in the House before it was debated—something which has not occurred with the carbon tax legislation. After it passed the House and came to the Senate, the GST legislation spent five months in Senate committees—not a couple of weeks; five months. And after 25 November 1998, when the Senate established the Senate Select Committee on A New Tax System, that committee referred issues to three separate Senate references committees. At that time we had a total of four Senate committees examining the goods and services tax legislation. We followed a good and proper process. We introduced the bills, they sat on the table, we did not rush and the House had hours to debate. We did the right thing. We subjected the legislation to the appropriate scrutiny of the Australian parliament after having sought and gained a mandate.

The government should withdraw this motion for extra hours. They should withdraw this motion for an extra sitting week. They should also discharge the 19 carbon tax bills currently before the House. They should call an election. They should submit themselves—their tax, their legislation, their policy—to the judgment of the Australian people. If they did that and if they

won, I would be the first person to say, 'Fine, bring the legislation on. Let's have a Senate committee process.' Even then, if they followed that process, I would still be arguing that there should be a good five months of scrutiny in this place for a package of this magnitude.

Even if the parliament as a whole thinks that something is a good idea, that legislation is worthwhile, we still have a role to perform in the Australian Senate and in Senate committees—to be a fresh set of eyes, even on legislation for which there is wide agreement. For legislation for which there is not wide agreement our role is even more important—that is our job, that is what we should do.

Those opposite have made it clear that they have nothing but unbridled contempt for the Australian people. Those opposite do not care what the Australian people think. In fact, worse than that, they have contempt for what the Australian people think and they want to actively deceive the Australian people. Never in my time in professional politics of 20-plus years have I seen an act of this magnitude by a government of premeditated deceit of the Australian people—nothing with such premeditation and nothing of this size.

We reject this motion to extend hours. We reject this motion to allocate an extra sitting week, not because we are against the parliament doing its job but because the government should be managing within the program it laid out at the start of the year. We on this side of the chamber will not be complicit in providing the opportunity for this government to facilitate a lie to the Australian people.

This legislation should be taken back to the Australian people and if, by some miracle, this government happened to win an election on that basis, they should then be

subject to appropriate parliamentary scrutiny. We will reject this motion. This government have failed in their duty to be upfront with the Australian people and they are failing in their duty to provide proper scrutiny for this package of bills in this place.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (10:43): It was interesting to see that Greens Senator Bob Brown was channelling Oscar Wilde. What always comes to my mind when I think about Oscar Wilde is:

Arguments are to be avoided: they are always vulgar and often convincing.

The motion before the Senate is about the cessation and guillotining of debate. It forms part of the sense I have of the absolute hypocrisy of where the Greens are. I have to be honest. Ever since the Greens voted against an inquiry into the rape of an Aboriginal girl in 1988 by youths from the John Oxley Youth Detention Centre, one Annette Harding, I have not taken them seriously. They lost their moral compass at that moment. At that moment they just became like everybody else. So now we see the continuation of this duplicitous type of arrangement of the feigned and faux nobility that they try to exude and then the reality of actually what they are given the dirty little tricks that they are starting to play, whether it is the anti-Semitic edge that they have now got with the boycott of certain shops that they stand behind without even blinking, whether it is voting against the inquiry into the rape of an Aboriginal girl in 1988 at the John Oxley Detention Centre, a rape that nobody denies and that we have been trying to purge and trying to clear for so long—and they were part of that cover-up—and whether we are now we seeing the guillotine of a debate, something that in the past they continually said that they would not be a part of. We have seen the metamorphosis of the Greens and they are now just another party.

So let us dispense with this allure of some sort of nobility, some sort of an edge and maybe some sort of a sense of righteousness and of purity, because that is lost; it is gone. Of course, the other issue as to that is this \$1.6 million donation from Wotif and then the question is asked by Senator Bob Brown on that proprietor's behalf. It is absurd how it is done with this stupid little smile that they get on their face when we talk about this. Why do they do it? How does this happen?

Now, apparently, we have to get this through because they want to go surfing at Durban. It is all about Durban. It is time to go to Durban: Durban is nice this time of year, the Greens have to get there—so we have to get this through. There is the whole metamorphosis of this debate. It started as being about global warming and then it became about climate change and now it is about clean energy. It just changes like the days and as one thing is stated as being absolutely ridiculous they just move the debate on. As we know, the reality is that this tax is not going to change the temperature one iota. What I will give the Greens credit for is that they are about to bring about a new creed that it is immoral to be provident and now we have this new gospel, and the gospel needs a creed and the creed is this piece of policy. That is what it is: it is the structure around it; all new religions need a creed to stand by and this is it. The purpose is not so much to do with the environment, because it does nothing for the environment; the purpose is about a form of social re-engineering and a form of change. I do not know how the Labor Party got themselves sucked into this. I honestly believe, and I fervently believe this, there are people on the other side in the Labor Party who know that this is an absolute crock but they are doing it to curry favour with a group that are going to destroy them and you can see that in the polls at the moment. It is not

smart for the party of Curtin, Chifley and—dare I say it—Whitlam to be sucked in by this. So it is not about changing the climate and I can understand the sense of unease that certain members such as Senator Conroy have about this—and they are justified in feeling that unease because—

Senator Bernardi: Kevin is very close!

Senator JOYCE: Kevin is close. Kevin is getting very close. I do not want to say much but the number nine comes to mind when I think about Kevin—and this is going to be yet another fiasco. But let us have a look at this inquiry and transparency. Where has it gone as far as regional Australia is concerned? Where is the inquiry as to regional Australia on this? We have got an inquiry in Sydney, we have got an inquiry in Melbourne and we have got one in Canberra—and I hope they are not saying that is regional Australia—but what has happened to regional Australia? What has happened to those fighters for regional Australia, Mr Oakeshott and Mr Windsor? Where is the inquiry that they got to take this piece of legislation out to the country, to the epicentre of the effect of this tax? But, no, we cannot go there because there will be dragons out there so don't go there! It is like the margin analysis on old maritime maps, saying 'don't go there, don't talk to the people of Tamworth and don't dare talk to the people of Orange, and don't go talking to the people of Longreach, but talk to the people of Melbourne; talk to the beautiful people. Have them come in. Make it nice and quiet and sedate because we've just got to get this through because Bob's got to go to Durban'.

So, when we think about regional Australia, we should think of the source of the wealth of this nation: the area where the coalmines are, the area where the iron-ore mines are, the area where the cotton fields are, the area where the wheat fields are and

the area where many of the tourism venues are—the area that is going to get absolutely smacked between the eyes if this tax goes through. That is not an ambit claim. That is the result of some of the inquiries that have been made by state Labor governments when those governments have been more honest than the federal government on this issue and have talked about the epicentre of effect—the towns of Rockhampton, Gladstone and other places that are going to be hit with this, as will the Hunter Valley. So I say to Kirsten Livermore: you went to your people and gave a warrant that you would not be a part of a carbon tax. Well, Kirsten Livermore, you have misrepresented it; you have told an untruth to the people of Rockhampton. To Joel Fitzgibbon and Sharon Grierson in the Hunter Valley: you have told an untruth to the people of the Hunter Valley —

The ACTING DEPUTY PRESIDENT (Senator Adams): Senator Joyce, could you refer to the members and the other place properly.

Senator JOYCE: Just as much as the Prime Minister has misrepresented her position so has Sharon Grierson and so has Joel Fitzgibbon.

The ACTING DEPUTY PRESIDENT: Senator Joyce, could you give the members of their correct title, please.

Senator JOYCE: Joel Fitzgibbon MP, Sharon Grierson MP and Kirsten Livermore MP have misrepresented their position. So why does this need oversight? Because this is the Green-Labor Party-Independent alliance—the glee club—who are the same people that gave us the ceiling insulation debacle where we spent \$1½ billion putting fluffy stuff in the ceiling for the rats and mice to sleep on and then spent another billion dollars pulling it all back out again after we had set fire to 194 houses and had, tragically, killed four people. It is that type

of acumen that is now, at pace, bringing in this carbon tax. They are the same people who brought us the Building Education Revolution where transportable dongas were landed in yards and places such as Manila in northern New South Wales for—whatever it was—\$1.8 million for a transportable, bolted together modular bit of gear. People have been absolutely ripped off and touched.

The people who brought us the Building Education Revolution are going to redesign the economy on a colourless, odourless gas. We look at what is happening overseas right now in Spain, Italy, Greece and the United States of America, and, in the middle of that, it is culpable that our nation should even contemplate going down this insane path whilst we are sitting with \$205 billion in gross debt at a time when we are in a boom and we should be collecting money and putting it in the bank. We are remarkable. We reach the absolute pinnacle of our times as far as our resource prices go and this buffoon, who may or may not be the Treasurer for much longer, has managed to rack up \$205 billion in gross debt.

Senator Conroy: That includes all the states as well.

Senator JOYCE: We will put the states on top of that. On top of that we have the Labor Party states responsible for \$252 billion of more debt. They do not care about how you repay it; they have not got a clue about how you repay it. They are always the same—they just get into a monstrous amount of debt and then when the place is on fire they run away.

This is the same group of people who brought us the war on obesity. What happened to that—was it a win or a draw? What happened to the fat people—where are they? It is a very bellicose arrangement that exists on the other side, because after they finished fighting the fat people they went to

war against the homeless. Why don't you just leave them alone? Keep your hands in your pocket—stop picking fights.

I have found lately that we are increasing the amount that we are going to be sending overseas on scams. We have gone from buying \$2.7 billion in carbon credits in 2020 and sending that overseas to buying \$2.8 billion that we will be sending overseas. What is another \$100 million between mates? I was looking at prospective letters and in the future we might get a letter like this from the office of Mr Soolaimon Bellow of the African Development Bank: 'Please transfer \$2.8 billion into my account and I, the Auditor-General of the African Development Bank, will during the course of events deliver you some carbon credits.' Of course, where we are going is just so logical! You know where this ends up? Down the track we will end up sending \$56 million a year overseas. People must be falling over themselves laughing at us and saying: 'Something has happened in Australia. There is something in the water in Australia. The Greens have obviously managed, in the dark of the night, to legalise marijuana. They're all just hooking up. They've got some crazy ideas. They're crazy people over in Australia. They're cooling the planet and they are going to be sending all of us \$56 million a year in 2050.' Do not worry about our pensioners, do not worry about their teeth, do not worry about our kids—no, we have got a job to do: we must find every scam artist on the globe and send them a cheque for carbon credits.

Then we are giving the Greens their own bank account—a \$10 billion bank account. In it they are going to come up with ideas because they are ideas people—straight to the pool room. We are going to have ideas coming from them—a new set of global warming jousting sticks. The ideas are going to be like those which we have seen in America where, the other day, they wrote off

a loan in excess of \$535 million. It was just one of those green ideas. These things seem to come unstuck. The problem is that they do not make much money. They tell us about green jobs. Where are these green jobs? Where are these people? I am looking for one. I ask Australia: if someone out there has a green job please ring up and tell me where you are, because we are apparently all going to have green jobs. We do not have to worry in the future about our coalminers or meatworkers. We do not have to worry about the manufacturing industry, which they used to represent, because they are going on this perverse path of green jobs—of wind chime manufacturers and duck pond makers. That is how we will survive in the future when we have got to pay back their stinking debt: we will survive with just green jobs and beautiful thoughts.

This nation really has got to wake up to itself. It just cannot go on like this. The New South Wales Treasury figures show the carbon tax will lead to 31,000 lost jobs in New South Wales, but over 26,000 of these will be in regional Australia. But we have not got an inquiry going on into regional Australia, because Bob has got to go to Durban. He has to go surfing and he has to tell the people in Durban what a wonderful person he is. So let us not worry about regional Australia and the 26,000 people in regional Australia who are going to lose their jobs, including 18,500 in the Hunter. If you are listening to me, you people in the Hunter, I say that Joel Fitzgibbon is going to vote for 18,500 people to lose their jobs. Maybe he should just lose his job, or maybe he should do the noble thing and cross the floor and vote against it. Cross the floor, Joel; cross the floor, Sharon Grierson; cross the floor, Kirsten Livermore—

The ACTING DEPUTY PRESIDENT (Senator Marshall): Senator Joyce, I want to draw your attention to the question before

the chair. I ask you to direct your remarks to the question.

Senator JOYCE: Thank you very much. It is all about an inquiry that we need. We must extend the time. We need an inquiry to tell people that 18,500 people in Hunter Valley, 7,000 people in the Illawarra and 1,000 people on the Central Coast are going to lose their jobs. They are going to lose their jobs because of the carbon tax, because of this nutty, stupid policy. But they do not get the grace of an inquiry. The government is going to guillotine time. We are trying to get an extension of time, but you do not want to give us an extension of time. You do not want to tell these people that they are going to lose their jobs.

Then we go to Queensland. This is Labor Party modelling. This is from the Labor Party. In the Rockhampton and Gladstone area the economic activity will fall by 8.2 per cent. So I say to the people of Rockhampton, in the seat of Kirsten Livermore MP, that she should be encouraging an extension of time. Maybe we should have an inquiry in Rockhampton where we tell the people of Rockhampton what is going to happen to their lives if they vote for this. In the Mackay area economic activity will go down by 5.7 per cent. Who cares? Who cares about regional Australia when you can pander to the Manic Monkey Cafe of inner-urban Nirvanaville? Who cares about them? They are only the people who put the money on the table. Don't worry about them—we will somehow live without them in this new mad form of economics, with a Treasurer who has an award from the same place that awarded Bear Stearns. It also awarded Lehman Brothers as the bank of the year. It never gave Peter Costello anything but it did give Paul Keating the Treasurer of the year award before we had 'the recession we had to have'. Why not?

'This is all going to make sense. It is going to work. The Greens are going to look after you!' Why are we doing this to people? How did we get sucked into this? The Australian people will wake up to it. They hate it—absolutely hate it. Except on Twitter, I just do not find people who want a carbon tax. Everybody hates it. You will literally get chased down the street by people who were formerly supporters of the Australian Labor Party. They are blue-collar conservative workers who have bailed on the Australian Labor Party because the Labor Party no longer believes in labour. They have dropped the 'u' out of 'labour'. For the Labor Party, it is not about human labour; it is about the Greens. It is about these manic, nutty policies that are going to take us to hades in a hand basket.

Senator Ian Macdonald: What are the Greens getting out of it?

Senator JOYCE: The Greens are going to Durban. So what are we going to change next? We want to have an inquiry and there are so many things we could ask. Going back to where I started from, I am only too happy when Bob Brown starts channelling Oscar Wilde: arguments are to be avoided because they are always vulgar and often convincing. What we want is a convincing argument, even just to temper this insanity before we get dragged along, because they are so indolent. They are structuring this in such a way that you cannot get out of it. Like a recalcitrant teenager, they are structuring this in such a way that we are stuck with this insanity.

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (11:03): It is with real regret that I am standing up to discuss this because it is a motion that we should not have to consider and it is a demonstration that this is a sad day for Australian democracy. Why is it a sad day

for Australian democracy? Because the government, in moving this variation of hours, is demonstrating that what we are witnessing here today is the tail wagging the dog. We are seeing the tail wagging the dog with the Greens running the show here. Senator Brown, the Leader of the Greens, said earlier on that this was based on consensus, that this was a consensus arrangement. It was clearly a consensus arrangement between the government and the Greens, but I would suggest that it would be reasonable to ask: who actually pitched this arrangement? Was it the government or was it the Greens who put this arrangement together?

This is a clear demonstration that we have a minority party running the agenda of this country. Let us not forget not only what has happened in the last 12 months since this government came to office but the way in which the agenda has rolled out over that time. We must note that when the Leader of the Greens, Senator Brown, gets up and speaks of a consensus arrangement he is the leader of a minority party that could not even win a seat in the House of Representatives in its own right. It could not win one seat. Such is its minority support in Australia that it could not win one seat in its own right. It only won its seat with preferences, and I would suggest to those who are listening to this broadcast that they stay tuned for the next election because I would like to see whether the member for Melbourne, Adam Bandt, can win that seat in his own right. I would think that the Australian people and the constituents of the seat of Melbourne will have a very different view as to who they are supporting at the next election.

So we have a minority party that probably do not get any more than 10 per cent of the vote across the country. We have a minority party that, as we see in the news polls on a regular basis, are not improving their support. Their support base is declining. We

have a minority party that get up here in this chamber and argue about scrutiny of the media. They supported an inquiry into the media, and we hear day in and day out in this chamber that the Leader of the Greens hates criticism. They cannot cope with any criticism levelled at them. The minute that they are given proper and due scrutiny, they scream foul and call for a media inquiry. The sad fact for the Australian population is that the tail is wagging the dog. It is the Greens who are influencing and leaning on the government in terms of the agenda that has been established and it is the Greens that are very much behind this agreement to vary the hours.

Why are we concerned about it? The parliamentary schedule, the sitting dates for each calendar year, is established by the government in the previous year. I understand that it is the Prime Minister of the day himself or herself who sits down and considers their policy and agenda criteria, their priorities and what they want to achieve in a year. One would think that the determination of that would be based on election commitments that were given. This government went to the last election, in August of last year, saying that there would be no carbon tax under any government that the Prime Minister leads, but it did a backflip. Why did it do a backflip? Because the Australian Labor Party could not form government in its own right. We had an agonising seven-day period, when clearly negotiations were going on behind the scenes, that ended with the Greens and some Independents supporting the current Prime Minister in forming government. But she and the government use that as an excuse as to why they cannot have a properly laid out legislative framework for the year. It is because of that that she has come back and said: 'No, a carbon tax is critical for this country. This package'—this so-called clean energy package—is abso-

lutely critical and it is vital that it gets through this year.' We know that is because as part of the deal with the Greens the Australian Labor Party in government is supporting the imposition of a carbon tax on all Australians.

If you look at the parliamentary calendar, you will see that it was established last year and was circulated to all MPs and senators so that they could plan their business itineraries for the coming 12 months. It is very important for MPs and senators to be able to do that. You will note that there is a great blank in the calendar during the first six months of this year. Only six sitting weeks were scheduled for the first half of this year, yet we have a fairly intensive program for the second half of the year. I am one to put up my hand and say that I do not mind being here at all and that I am prepared to do whatever hours it takes to make sure that we scrutinise legislation properly. Senator Conroy, you are sitting opposite; I will ask you. The shape of the parliamentary calendar begs the question: why did we sit for only six weeks in the first half of the year? Why was that determined? Did it have anything to do with the formal alliance of the Greens and the ALP, which I am going to call a coalition of the willing because it is a coalition? In the government's words it is a formal alliance, but the Australian public knows it is a coalition.

We all know that the parliamentary calendar was framed this way because you could not form a majority in this place until after 1 July. The suggestion that you could not properly consider the legislative framework flies in the face of integrity when so much more could have been done in the first half of this year and when it was the decision of this government not to go down that track. Do not come in here and cry foul that you cannot possibly get all the legislative work done when it was your decision that

determined the framework for the parliamentary sitting period. Your failure to do this is yet another demonstration of this government's incompetence and mismanagement across the board. We have seen knee-jerk reactions to rolling crises in the country, and this is yet another example of this government not appropriately managing the agenda before it. We know this because of what the government and the Leader of the Greens, Senator Bob Brown, have said.

We know why we have to vary the business hours in the next few weeks. It is because of Durban, as Senator Brown has said in his own words. It is because he wants to go to Durban with his partner, Prime Minister Gillard. He wants to go with the delegation of 40 or 50 public servants from the Department of Climate Change and Energy Efficiency that will go. He wants to go to the Durban conference with this parcel under his arm—this parcel that is the carbon tax, beautifully wrapped, probably in green velvet double bows. He wants to be able to go to the conference and say: 'Here we are; we have delivered it. No other country in the world has introduced an economy-wide carbon tax, but I have managed to convince the government here in Australia that this is what we are doing. I am the best man in the world.' It is all about international grandstanding. That is what it is about. It is not about proper scrutiny; it is about international grandstanding. It is a disgrace that the government is not standing up to the Greens in this endeavour. This is an indictment of the government and it will play out in the future. I have to say that, if we vary these hours today, you should be careful of what you wish for, because you know the Australian public does not support it. You will not take us to an election now to get an electoral mandate for this, because you know the Australian public does not support it. We say: 'Bring on an election.' If you want to

play these games and form consensual alliances with the Greens whilst in office, be careful of what you ask for in view of a time when you will be out of office.

I want to turn to the Joint Select Committee on Australia's Clean Energy Future Legislation, which was mentioned earlier on. It is extraordinary that this joint committee was formally established only last Thursday. It has called for submissions, which had to be in writing and submitted within only five working days, I think. The first hearing is being held today. Treasury were asked, as was the minister, on countless occasions, for the modelling so that it could be properly considered through this process. Treasury had been non-forthcoming with that modelling. Yet I see that literally minutes or seconds before the beginning of that hearing today Treasury released their figures. That was only this morning—minutes before the hearing.

The point of the inquiry and the point of any of these inquiries is to provide proper scrutiny of all the relevant material. One would have thought that Treasury modelling based on a \$23 per tonne tax would have been relevant to this inquiry—to the scrutiny of this legislation. Yet this modelling was only made available to the committee members literally minutes before the hearing convened. How could the members of the committee give that modelling due consideration so that they could ask Treasury relevant questions about it? This is yet another example of the way in which this whole thing is being truncated—not so that there can be proper, transparent consideration and scrutiny of these 19 bills and 1,100 pages of extraordinary detail but so that the legislation can be rammed through before Durban in early December.

It was an even sadder day when I heard that convention that has been applied in this

place for considerable time was just put aside—without any decent advice and certainly with no respect given to the opposition—when it was determined that the committee would be headed up by a government chairman, which is normal practice, and a deputy chair from the Greens, Senator Milne. It begs the question: how does that reflect on the independence of this committee to properly scrutinise this clean energy future package, as it is called, when the construct of the committee itself is not independent? We know what happens in other committees; we see it every day. The chair and deputy chair positions are held by government and opposition members or senators so that there is some form of independence in the committees.

The Senate committees are an incredibly important part of the business of the Senate, ensuring that all legislation is properly scrutinised. But that was certainly not the case with this joint select committee. One has to ask the question again: why is it that the Greens were able to displace normal convention—to displace an opposition senator in that deputy chair position and take it for themselves? I am asking these questions but, I must say, the answers look pretty obvious. It is a sad day when we see a minority party having this sort of influence over a government agenda. You have to question how that is playing out behind the scenes and what is going on. We see what is going on in here, but we do not know what is actually going on behind the scenes between these two parties.

Senator Conroy: Didn't you preference them? You elected Adam Bandt.

The ACTING DEPUTY PRESIDENT (Senator Marshall): Senator Conroy, cease interjecting.

Senator Conroy: You gave Adam Bandt your preferences

The ACTING DEPUTY PRESIDENT: Senator Conroy, I have just asked you to cease interjecting.

Senator KROGER: Thank you, Mr Acting Deputy President, but it is an interjection I actually do not mind taking. The Greens did only manage to secure one House of Representatives seat for Adam Bandt, the seat of Melbourne, with preferences. It was a decision that may be considered in a different context next time around.

Senator Conroy interjecting—

Senator Sterle interjecting—

The ACTING DEPUTY PRESIDENT: I ask senators on my right to cease interjecting.

Senator KROGER: Thank you for your courtesy, Mr Acting Deputy President. My challenge to the government is that they actually start walking the talk, as opposed to talking the walk. If they believe that the Greens are a problem for them—the Greens, who are causing a huge chasm within their own ranks between the Left and the Right of the ALP—then it is time they actually walked the talk and did something about it. I think Minister Conroy could well heed some advice on that one.

In closing, we are not going to support this variation of business hours. It is not because we do not want to be in this place. We do believe that the work we do here is vitally important. We do have concerns about the implications of this variation to business hours, which in effect will mean—including a possible visit from the President of the United States—that we will be in Canberra every week for a seven-week period, or something like that. This has huge ramifications for the effectiveness and the running of our electorate offices. It is a problem for those constituents who have organised meetings with us in advance. It is a problem for the work that we do at a local

level. It means that members of parliament will not be able to get back and do the work that they do so assiduously when parliament is not sitting—because we know that the work of the federal parliament does not cease when people leave this place; there is an intensive business program on when people leave here. So this means that a lot of local constituent work will have to be put on hold.

We do not support this. We do not support this because it is just a shocking reflection on the government of the shambolic approach that they have taken to setting the legislative framework and schedule for this year. Even more concerning is the reflection on them of the way in which they are just responding to the agenda of the Greens. They are not in charge here. They are certainly not demonstrating that they are in control. They are very much responding to the demands—in many cases hysterical demands—of the Greens. It is a disgrace on them. I condemn them for the influence that the Greens have on them. We will not be supporting this.

Senator BERNARDI (South Australia) (11:24): It is with a heavy heart that I rise to make a contribution to this debate on Senator's Ludwig's motion to vary the hours and days of sitting and routine of business of the Senate, because in some way I feel dirtied and sullied by being dragged into this debate—

Senator Conroy interjecting—

Senator BERNARDI: and somehow complicit in being asked to endorse the government's breaking of an election promise. It is a question that comes to the credibility of this government. I note that Senator Conroy is in the chamber and interjecting. Whilst I will not respond directly to his interjections, I note that Senator Conroy is galvanising as much support as he can in his party to prevent Kevin Rudd from assuming the leadership

once again. He is also trying to dump this dreadful policy, because there are many on the Labor side who realise the political damage that has been done to the Labor Party by the words of Ms Gillard—'There will be no carbon tax under the government I lead'—and Mr Swan and other acolytes. That was a crystal clear, rock-solid promise, and we are being asked today to endorse the breaking of that promise by granting additional hours.

We know that many in the Labor Party do not want this to see the light of day, but we also know that the real power behind the Gillard throne is resident in the wedge at the end of the government side of the chamber, and that is Senator Bob Brown and his Greens party. If there ever was a credibility gulf amongst politicians and political parties, it is demonstrated every single day by the Greens party. We can talk about their openness and transparency requirements for donations. Whilst they rail against corporate donations, they have taken the single largest corporate donation in the history of politics in this country—\$1.6 million from the founder of Wotif. Then, by some strange quirk of fate, some coincidence, Senator Bob Brown and his tribe have asked questions that are going to benefit that donor in his commercial operations. In any other forum, there would be questions about how such a coincidence arose, but not to the pious and sanctimonious Senator Brown, who says, 'I'm doing everything within the legitimacy of this parliament.'

This is the same party, might I add, that say they are out there looking after children and young people and speaking up for their interests and yet, when I introduced a private senator's bill to protect children overseas from predatory Australians who would seek to exploit them for child sex tourism offences, they voted against it. They voted against protecting children from predatory

sexual tourists under Australian law. It makes you wonder where their moral compass is. As Senator Joyce said, this is the party that voted against an inquiry into the abusive rape of a 14-year-old Aboriginal girl in Queensland. This is the party of hypocrisy, the party that says you should not be allowed to use plastic water bottles unless it is for a medical emergency, and yet their deputy leader has on her own website a picture of herself clutching a plastic water bottle as she strolls around some mountain bushland environment. This is the party of hypocrisy, where Senator Bob Brown exceeded the number of flights of both the former environment minister, Malcolm Turnbull, and the shadow environment minister at the time, Peter Garrett, while travelling around the country and preaching to others that they should not be emitting these noxious fumes that are destroying the planet.

We have established beyond a shadow of a doubt—and I think the Australian people need to understand—just how dangerously hypocritical the Greens party is. What they say and what they do are two different things. What they say in public is to appease people and make them think they are protecting the environment, but what they do is that they are trying to shut down industrial Australia. They are trying to increase taxes. Unfortunately, they have an inordinate amount of power over a hapless, hopeless, rudderless government in Australia at the moment, and that is the Gillard government.

Frauds have been perpetuated on so many Australians with the misuse, abuse, waste and squandering of taxpayers' money. We have seen it with pink batts, with GROCERYchoice, with Fuelwatch and with a whole bunch of other schemes. Today it has been reported that regional rorts are going on, that two-thirds of the money has gone to Labor electorates and only one-third

to other electorates in regional Australia—completely disproportionate. We know that the standards, scrutiny, accountability and ethics of the government and their alliance partners, the Greens, are at rock bottom, and that is why their vote is at rock bottom. That is why they are all scrambling around to get the numbers for Kevin Rudd to come back. I know there are those on that side of the chamber who are deeply concerned about that, because they possibly will lose their jobs. They will lose their frontbench jobs because they so brutally knifed Mr Rudd before the Australian people could do it. There will be a big reshuffle. There will be a grand realignment of the factional schemes. You may not see Senator Conroy and Senator Carr lining up on the same team anymore. But we will see a change of government and hopefully the restoration of some integrity to it. We need to get a bit of decency, honesty and transparency back in the public debate.

One of the areas that strikes me as extraordinary is that Senator Wong and others will stand up and talk about green jobs and the experience overseas. What I would like to do for the benefit of the Australian people and those listening to this broadcast is detail one of the experiences overseas of the great hope for Centre Left governments right around the world—and that is the American government, led by Barack Obama. Only this morning a commentator reported that \$17.2 billion has been spent by the US government on creating green jobs. I wonder just how many jobs \$17.2 billion could create under a Centre Left government. Remember: the dream that is being pitched to all Australians is that this carbon tax will not hurt our economy because it is going to create jobs. How many jobs did \$17.2 billion create in America? Was it one million? Was it two million? Was it 500,000? Unfortunately, that was not the case. It created 3,545 jobs. If you

quickly do the maths, it works out to be \$4.853 million per job. This is the future that we are being sold. The Australian people are being peddled this nirvana. But the results are there. The examples are there.

If you look at Spain, you will see that it is virtually broke. It is suffering from this great European crisis where productivity is down, work ethic is down, government spending is up and money is being spent and wasted on these obscure green schemes that the Labor government has tried to impose upon us.

The ACTING DEPUTY PRESIDENT (Senator Marshall): Senator Bernardi, I want to draw your attention to the question that is in fact before the chair.

Senator BERNARDI: Indeed, I do come back to it. We are talking about the decarbonisation of our economy, which is what this extension of powers is intended to legitimately pursue. We know that. You may have missed my reference to the \$17.2 billion being spent in America to create 3,545 jobs. It concerns me that we are heading down the same path, because the Greens tail is wagging this dog of a government. That is not the future I imagine. I imagine a future for my children where there will be industry, productivity, growth and a sense of optimism about the future. Unfortunately, this tax, which we are being asked to endorse ipso facto through this extension of hours, endorsing a broken promise, is really beyond the pale. When we examine why this government is pursuing this ideological bent we see there is no benefit at all for Australia to go down this path and for the Senate to extend sitting hours without applying that time to examining the implications of this broken promise for the Australian economy.

I know the Treasurer released Treasury modelling just a few moments before a committee was due to sit. The credibility of

this Treasurer has to be brought into question as well. I know much will be made of the fact—and he posed for a great photo—that he was named Euromoney Finance Minister of the Year. It follows a great tradition, as Senator Joyce referred to, set by Paul Keating, a former world's greatest Treasurer who gave us 'the recession we had to have'.

But I think the tradition of Euromoney awards is more starkly and contemporaneously spelt out by revisiting their 2006 awards. Euromoney said the best investment bank was Lehman Brothers. Of course, Lehman Brothers went broke in 2007. In 2006 Euromoney said that the best equity house was a group called Morgan Stanley. Of course, Morgan Stanley had to be bailed out to the tune of billions of dollars in 2007. In 2006 Euromoney, the same people who awarded Mr Swan Finance Minister of the Year, said the best risk management house was a group called Bear Stearns. Bear Stearns, of course, busted and went broke in 2007. In 2006 the best investor services according to Euromoney were Citigroup, another group that had to have billions of dollars worth of bailouts in 2007. So when they award Treasurer Swan as best finance minister of the year we are right to be dubious about the category he is inserting himself into because he follows in the great tradition of those busted outfits and the man who said Australia had to have a recession with 17 per cent interest rates, and it follows in the tradition that this Labor government has run up billions of dollars of taxpayer debt, mortgaging the future.

Labor want to further compromise the future of the Australian people and hurt successive generations by imposing an all-pervading tax on carbon dioxide. They are doing it under the mantle of presuming that there are going to be green jobs. We have busted that myth, just like Euromoney have given the kiss of death to other firms. We

also know there is a very clear indication that this is a tax that will grow and grow and that tens of billions of dollars ultimately will be sent to countries without the scrutiny and accountability that exists under the Australian legislative and corporate framework. We also know that this is an attempt at an election sweetener by reforming some of the tax system and applying some additional benefits to pensioners and others, most of which would be welcome because of the cost-of-living rises that have taken place.

This is the disingenuous nature of it: the government has steadfastly refused to identify and acknowledge that this all-pervading tax will only increase in the future. It will go from \$23 at the starting point and it will rise to \$29 within a couple of years. Of course, that will put the price of electricity up. It will put the price of everything we use up because ultimately electricity is the thing that is used to light shops, keep refrigeration going, create cement; there are a whole range of applications. This is a tax on electricity, so nothing will escape it. It will continue to rise. Even when it goes to a market based mechanism, of course, which was rejected by the Labor Party; that was their 2007 policy—

The ACTING DEPUTY PRESIDENT: Senator Bernardi, again I do want to draw your attention to the motion that is before the chair, which is a motion moved by Senator Ludwig with respect to the days and hours of meeting and routine of business.

Senator BERNARDI: Mr Acting Deputy President, you must have missed my link between the reason we are having—

Senator Jacinta Collins: Very subtle, Cory.

Senator BERNARDI: I am known for my subtlety, thank you, Senator Collins.

The ACTING DEPUTY PRESIDENT: Order! I have simply drawn your attention to

the motion before the chair, Senator Bernardi.

Senator BERNARDI: I appreciate that, Mr Acting Deputy President, and you are doing a mighty fine job and I congratulate you on that.

The purpose of seeking this extension of hours is to debate a broken promise by this government. It is a broken promise that is going to have a serious impact on electricity prices, a serious impact on the cost of living for everyone in this country and a serious impact on our international competitiveness. We are going to see the export of industry and the export of jobs; we are not going to see the creation of green jobs. We know that this government is desperate for the cash that is going to be generated from that. But it cannot even do that appropriately. This is a new tax where apparently everyone is going to be better off, but we know that is not going to be the case. When we are discussing these extended sitting hours and when we are discussing a range of measures that are going to impact on the Australian people, we on this side of the chamber are being asked to be complicit in the breaking of a solemn promise to the Australian people.

Senator Sterle: No, you are being asked to come back and debate this.

Senator BERNARDI: Many of us take our promises seriously. I know Senator Sterle is interjecting. No-one takes anything he says seriously. I am not sure that he takes his own promises seriously. But the point is this: we are entrusted to speak up for the Australian people. When we go to an election we take a policy platform there and people vote for it. I know that people like Senator Sterle were elected on the basis that they were not going to support a carbon tax. I know that was the case because his Prime Minister, the one that he so warmly

embraces as leading this country boldly into the future—

Senator STERLE: Too right; you've got that right.

Senator BERNARDI: I only wish *Hansard* could pick up irony and sarcasm. When they are elected on this platform and when members of the House of Representatives are elected on this platform, it is right to question how they can break such a promise that is going to have such massive implications for this country (1) without proper scrutiny and (2) without actually taking it to the Australian people. These are common-sense questions that most Australians I know want to ask.

Despite the protestations of the Greens and those who are advocates and acolytes of the green agenda within the Labor Party, there is very little demand other than contrived, drummed up, astroturf support for this carbon tax out there in mainstream Australia. If you move more than five or 10 kilometres out from the major cities and you talk to the millions of Australians who are already struggling with the burdens placed upon them by this government, you will find that they do not want a carbon tax. They do not want a carbon tax, not because they do not care about the environment but because they know that it will do nothing for the environment. They know that it will not lower global temperatures one jot or tittle. We know that. We absolutely know that and no-one has ever disputed it. They also know that billions of their dollars are going to be sent offshore to unaccountable regimes or organisations. You are going to see it go to an international United Nations fund and you are also going to have to buy permits from nations which have a less than rigorous reputation for financial transparency and honesty. These are things that all concern us.

There is a more deliberate concern amongst the Australian people and that is that we have a government that have deceived the Australian people. I wish you could say that they had a deceptive aura of confidence or competence even, but unfortunately you cannot, because they have demonstrated no competence in any aspect of administering the national affairs of this country. We can look at it in so many ways—I touched upon pink batts and GroceryWatch and Fuelwatch. We can look at the rorting in Building the Education Revolution, as they called it. We can look at the laptops in schools rorting. We can look at border protection: the East Timor solution, the Malaysia solution. It can go on and on and on. It is one disaster after another. And today we are being asked to extend hours to be complicit in another disaster for the Australian people.

On this side of the chamber it is very clear that we will not support that and we will not support it because we want our integrity intact. We want to be consistent in our approach to taking effective policy solutions—not things that are going to damage the Australian people, not things that are going to irreparably damage our economy, not the myth of green jobs. We do not want the \$17 billion that Barack Obama, President of the United States, spent on creating 3,545 jobs. We do not want that myth. We want accountability, we want strength and we want, most of all, competence from the Australian government.

Unfortunately, the weakness of the government, their shallowness, their lack of capacity in administrative skills and their lack of vision for the future of this country mean that they are now being driven by an extreme left-wing green ideology. We know the hypocrisy of that ideology. We know that they will stand up and say and do anything and then do something else behind the

scenes. We know that they want to apply different standards to different people. It is like Orwell's *Animal Farm*, where some animals are more equal than others. Let me tell you that in this place we should all be equal and we should all have one vote. Unfortunately, those on the government side of the chamber have effectively given their votes away to their faceless men and to the faceless women of the Greens party. We know who is driving the government and the agenda. We know that Labor are weak and they are perhaps the worst government in the history of this country.

Senator Williams: Not 'perhaps'; they are.

Senator BERNARDI: Yes, indeed, Senator Williams, they are. I have not lived as long as you, Senator Williams, so I will take your word for it.

Senator Williams: You probably won't!

Senator BERNARDI: The way I am going I may not, Senator Williams. The point is that we have a weak and hopeless government and now we have a green wedge that is seeking to drive its own ideological, obsessive agenda into destroying Australia as we know it and recreating it in the image of Bob Brown, Christine Milne and others like them. It is not the future for this country; it is not the future we anticipate and envisage for our children. It is a future which we can foresee by looking at America and Europe and at the failings of the green agenda there. That is why I do not support this motion.

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (11:44): I rise to speak on this motion to vary the sitting hours of the Senate. What is this about? This is about the Greens wishing to go to Durban in South Africa in early December so that they can say to the rest of the world, 'Look at what we have achieved in Australia, our minority government'—a total

of 10 members of parliament and senators out of a total of 226 in this place—'and how we dominate the government.'

This is about time; it is about wishing to change the hours of the Senate to accommodate the Greens—nothing more, nothing less. Yet in the three years I have been here I have noticed who the biggest time wasters have been: the Greens. How many divisions did they call when they had five, until 1 July this year, Greens senators in numerous divisions against at least 69, 70 or 71 other senators? And they say they have the numbers! They must be terrible at mathematics to think that five is greater than 70. Yet they are now saying, 'Let's extend time so that we can pass this legislation on the carbon tax and so we'—that is, the Greens—'can be complicit in the broken promise of our Prime Minister to the Australian people prior to the last election.' That is what this is about: satisfying the Greens to get the carbon tax/emissions trading scheme through this parliament. Forget about proper committee hearings and proper inquiries and the Senate doing its job properly; it is about passing legislation to satisfy Bob Brown and the Greens so that they can gloat when they get to Durban.

This carbon tax will be a long argument and a long debate, unless of course the Greens and the government pull the guillotine down on it, and a huge tax and cost impost on Australia. Why the rush? Why does it have to be rushed through this parliament? That is a question that everyone should be asking. Those out there in radio land listening to this broadcast and those who are watching it on the internet or in their offices should be asking: why the rush? Why are you going to impose a tax of somewhere between \$72 billion and \$100 billion on Australian industries by 2020 and have to rush it through? That is what this debate here

and now is about. Why the rush? That is a question that everyone should be asking.

I find it amazing that the Greens are not rushing over to China to say to them, 'You put legislation through your parliament'—hang on, they do not have a parliament. I am sorry, I have overlooked an issue there.

Senator Mason: It's a people's assembly.

Senator WILLIAMS: Thank you, Senator Mason. It is the people's assembly. I find it quite concerning that last year China actually burnt 3.2 billion tonnes of coal—that is, 3,200 million tonnes of coal. They increased their consumption of coal last year by 434 million tonnes. Last year, Australia produced a total of 420 million tonnes of coal, yet China's consumption went up by more than that in just one year.

The Greens are saying: 'Give us extended hours. Let's rush this through before the end of November.' Yet they are not saying, 'Hang on, China's CO₂ emissions a year are currently 10.3 billion tonnes'—yes, that is 10,300 million tonnes—and by 2020 will go to 17.9 billion tonnes.' I must acknowledge here my colleague Senator Cormann, who gave me those figures, which were put out by Treasury. China's CO₂ is going to go up by 7,600 million tonnes a year by 2020, but we stand here in this chamber debating time extensions to rush this legislation through Australia's parliament. The 578 million tonnes of CO₂ that Australia is producing, excluding bushfires, which will be another big threat this summer after the last couple of wet seasons, will go up by 43 million tonnes a year by 2020. Then we will go into buying those credits from overseas. That will be the joke of jokes: fraudulent carbon credits exposed at billions of dollars. By 2020 we will be buying \$3.5 billion in credits from overseas. We will be spending that much money but who will be checking that they

are genuine? You know what I think about this carbon tax, Mr Acting Deputy President.

Senator Ludwig: Do you like it?

Senator WILLIAMS: No, I do not like it. I think it is a fraudulent statement to the Australian people prior to the 21 August election. I am a firm believer in climate change. I totally believe in climate change. In fact, I believe the climate has been changing for millions of years. Just recently I was fortunate to spend three days at Airlie Beach, in the Whitsunday Islands, only to discover that 18,000 years ago the Whitsunday Islands were actually part of the Australian mainland because the sea levels were so low and that, 10,000 years ago, the globe warmed, the ice melted on the mainland and the seas rose and, hence, we now call them the Whitsunday Islands. The climate changed. What caused that climate change? What caused the globe to warm back then, Mr Acting Deputy President? Was it hoonos in V8 Mustangs, putting out carbon dioxide and chucking wheelies? No, they did not exist then. Perhaps it was coal fired generators.

The ACTING DEPUTY PRESIDENT (Senator Marshall): Senator Williams, I know you are responding to an interjection but I do draw your attention to the question that is before the chair.

Senator WILLIAMS: Mr Acting Deputy President, perhaps you might draw the attention of the person who interjected and ask him to refrain from doing so in future. Would that be appropriate?

The ACTING DEPUTY PRESIDENT: Yes, but you were very eager to accept his interjection.

Senator WILLIAMS: As I always am, because his interjections are so ridiculous.

The ACTING DEPUTY PRESIDENT: I ask that all senators refrain from interjecting.

Senator WILLIAMS: I take your point, Mr Acting Deputy President, with total respect. Moving on from Senator Ludwig's interjection, I would like to ask: why the rush on this policy?

Why does it have to be through before the end of November? We do not see it rushed into other parliaments around the world. We see an emissions trading scheme of some 30 countries in Europe, where they produce 14 per cent of the world's carbon dioxide. About a dollar a head is their cost. But ours is going to come in at about \$400 a head—\$400 for every man, woman and child in Australia. And that is going to change the planet? No, it is not.

The point I make is that we should not agree to the extension of hours in this chamber, for two reasons. One is the enormous amount of time that the Greens have wasted in this parliament, not only in this current parliament, the 43rd Parliament, but the 42nd Parliament prior to that, through calling ridiculous divisions where, frankly, they should all carry a calculator and do some figures and they might know the real numbers that stay around the chamber when those divisions are called.

Secondly, this is a most important piece of policy with huge ramifications for our nation. Mr Acting Deputy President Marshall, as a member of the Labor Party you would share my concern on manufacturing jobs in Australia. We have seen from BlueScope Steel the announcement of 1,000 jobs to go there plus some 400 contractors. What we are facing now is 105,000 manufacturing jobs lost over the past three years. So why should we rush through another piece of legislation? Why should we extend the hours of this parliament on a policy that

is going to cost more jobs in manufacturing? I thought the Labor Party actually cared about jobs, but that has obviously disappeared years ago. Why should we rush through a policy that the Transport Workers Union has referred to as a death tax? That was Tony Sheldon's evidence at our Senate select committee inquiry chaired by the very capable Senator Cormann. That is how the Transport Workers Union described the proposed 6.85c a litre increase in the excise on diesel for truckies.

Senator Cormann: He is going to be president of the ALP now.

Senator WILLIAMS: He may well be the president as others are dropping off the perch.

The ACTING DEPUTY PRESIDENT (Senator Marshall): Order! I would ask senators not to interject. Senator Williams, please address your remarks through the chair.

Senator WILLIAMS: I certainly will, Mr Acting Deputy President. I normally do. I apologise for sliding off course there for a brief second. So we have a tax that needs to be rushed through this parliament that the Transport Workers Union described as a death tax. Mr Sheldon described it as a death tax because he said, 'Put those extra cost on our truckies it will sweat the drivers and sweat the trucks.' He is saying they will have to work longer hours to make a living, especially owner-drivers, and that will mean more neglect of the truck, of the rig. It could be, 'Hang on, the tyre is almost bald. It's all right, times are tough, I will get another trip out of this tyre.' Brake linings might be worn. 'No, it's all right, I can squeeze another trip out of them before I replace the brake linings.' That is what Mr Sheldon meant when he described this tax as a death tax.

But back to the argument we are debating. Why should we extend the hours, why

should we rush when these are the concerns the Australian people have about what is being proposed? The situation is that we are going to impose this amount of money on the 500 biggest emitters of carbon dioxide in Australia, and we really do not know who they are. We have not seen the list. We hear figures that if they happen to be responsible for more than 25,000 cubic tonnes of carbon dioxide emissions a year then they are in, but if it is 24,999 you are out. We know the cement industry is a big emitter, and they cannot afford any of this tax, especially the way the current Australian dollar is, allowing imports to be so cheap because of our high exchange rate, which is obviously brought about by high interest rates in this country, which is obviously brought about by government policy. But that is an argument for another day.

So we should not support the extension of hours here. We should not just kowtow to the Greens, who want this crazy legislation that was guaranteed to the Australian people by the Prime Minister, Ms Gillard, prior to the election would not be introduced. In fact, it should be delayed until after the next election. That would be true democracy, to allow the Australian people to have a say on it. We have the member for New England, Mr Windsor, who proudly says, 'I will survey my electorate. I am the people's representative.' Mr Windsor did that recently on whether we should have changes to our tax system—not the carbon tax—and whether we should support same-sex marriage. But he did not survey his electorate on the carbon tax. If he will not do his job, I am glad to say that I am doing it for him. Last Monday I sent out 57,000 survey forms into the electorate of New England and also to the electorate of Lyne, where Mr Oakeshott MP is the sitting member. He will not do a survey in his electorate as well. Mr Windsor said at the last election in TV adverts, and I

saw them in my own lounge room, 'Vote 1 Tony Windsor, the people's representative.' If he is the people's representative, why doesn't he survey his electorate before there is any proceeding of this legislation in the House of Representatives or here? That is another reason why this should not be rushed through the parliament. That is another reason why we should not extend working hours here to have more sitting hours to rush through a policy simply because the Greens are running this government.

I will wind up by saying I do not support the motion being put forward. There is no cause for extension of working hours. We have seen the amount of legislation that has gone through this parliament this week. In fact, on Monday we almost ran out of legislation as bills were passing through so quickly. Now it is drop everything, extend hours, let us do the legislation for the Greens, the ones who are complicit in the Prime Minister breaking her guarantee to the Australian people prior to the election. The Australian people will not forget this. They will not forget many things this Prime Minister has done and this government has done to our nation. They will not forget the debt, the waste, the interest-rate rises and the commitment by the Prime Minister on Perth radio in July last year that she would never consider sending asylum seekers to countries which are not signatories to the refugee convention. But what is the argument in the House of Representatives today? It is over an issue where the government wishes to send asylum seekers to a country which is not a signatory to the refugee convention. Hence, the government has put up a bad argument for extending the hours for this particular reason. I urge my colleagues all around the chamber, perhaps some on the other side, to oppose this. But, no, if they were to do that they would be kicked out of their party and their future would be guillotined.

There is no argument for this. This is an important piece of legislation and it should run its normal course. It should be allowed to go up to Senate committees, as well as to the joint committee that has been established, so that the Senate can do its job properly and scrutinise the legislation that has come into this parliament and not simply have it rushed through to appease the Greens so that they can beat their chests and say, 'Look at me. Look at me,' when they get to Durban, South Africa, this December.

Senator LUDWIG: I move:

That the question be now put.

Question put.

The Senate divided. [12:04]

(The President—Senator Hogg)

Ayes.....	35
Noes.....	30
Majority.....	5

AYES

Arbib, MV	Bilyk, CL
Bishop, TM	Brown, CL (teller)
Cameron, DN	Carr, KJ
Collins, JMA	Conroy, SM
Crossin, P	Di Natale, R
Farrell, D	Faulkner, J
Feeney, D	Furner, ML
Gallacher, AM	Hanson-Young, SC
Hogg, JJ	Ludlam, S
Ludwig, JW	Marshall, GM
McEwen, A	Milne, C
Moore, CM	Pratt, LC
Rhiannon, L	Sherry, NJ
Siewert, R	Singh, LM
Stephens, U	Sterle, G
Thistlethwaite, M	Urquhart, AE
Waters, LJ	Wong, P
Wright, PL	

NOES

Abetz, E	Adams, J (teller)
Back, CJ	Bernardi, C
Birmingham, SJ	Boyce, SK
Brandis, GH	Bushby, DC
Cash, MC	Colbeck, R
Cormann, M	Edwards, S

NOES

Fawcett, DJ	Fierravanti-Wells, C
Fifield, MP	Heffernan, W
Humphries, G	Johnston, D
Joyce, B	Kroger, H
Macdonald, ID	Madigan, JJ
Mason, B	McKenzie, B
Parry, S	Ronaldson, M
Ryan, SM	Scullion, NG
Williams, JR	Xenophon, N

PAIRS

Evans, C	Eggleston, A
Lundy, KA	Boswell, RLD
McLucas, J	Fisher, M
Polley, H	Payne, MA

Senator Bob Brown did not vote, to compensate for the vacancy caused by the resignation of Senator Coonan.

Question agreed to.

Original question agreed to.

Senator Ian Macdonald: Mr President, Senator Brown is not here, and he is always keen to do this, so I ask that the record particularly show that Senator Brown was not here for this vote.

Senator Siewert: Mr President, I would like to put on the record that Senator Brown was paired, thank you.

The PRESIDENT: It is not an issue. The motion has been passed.

BILLS

Higher Education Legislation Amendment (Student Services and Amenities) Bill 2010

In Committee

Debate resumed.

The TEMPORARY CHAIRMAN (Senator Moore) (12:08): The question is that subsections 19-67(3) on schedule 1, item 6, stand as printed.

Senator MASON (Queensland) (12:09): I have a question for the minister relating to

section 5 of the bill. There is a prohibition in section 5 of the bill on using the student services fee for the support of a political party or for the election of a person as a member of a legislature of a Commonwealth, state, territory or local government body. My friend Senator Ryan discuss this yesterday, you may recall Madam Temporary Chairman.

The TEMPORARY CHAIRMAN: I do, Senator.

Senator MASON: Could the minister inform the Senate as to what type of activity is prohibited under this provision? Is it to be strictly read—being money contributed to a fund used by a candidate for their election or to a fund controlled by a political party—or should the provision be read rather more loosely as activity which could or tends to influence the way a voter may vote in an election?

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (12:10): The bill requires higher education providers, the collectors of the fees, to spend student services and amenities fees only on allowable expenditures, those listed in subsection 19-38(4) of the bill. None of the allowable expenditures in this section support the fee being spent on opposing political parties or opposing the election of someone to a Commonwealth, state, territory or local government body. Subsection 19-38(1) prohibits providers from allowing the fee to be used to support political parties or to support the election of a person to a Commonwealth, state or territory parliament or a local government body.

Senator MASON (Queensland) (12:11): I thank the minister for her response. I understand that funds cannot be used to support the election of a candidate for a political party. I appreciate that. In effect, as

I understand it, it means that an organisation which receives funds pursuant to this bill cannot, for example, support a Labor, Liberal or National Party candidate. I accept that but can it support a political cause? For example, the Work Choices campaign is not a political party.

Senator Cormann: Or the carbon tax campaign.

Senator MASON: Or the carbon tax campaign. GetUp! would be another example. I take what you say and I understand that funds cannot be used directly for a political party, but can funds be used for a political cause such as the one Senator Cormann mentioned—no carbon tax, Work Choices or some of the political cause?

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (12:12): Senator Mason, I do not believe so. As I said in my earlier remarks, it can only be spent on allowable expenditures which are listed in 19-38(4) of the bill.

Senator CORMANN (Western Australia) (12:13): With all due respect, Minister, that is not good enough. To say 'I do not believe so' is no good. You need to a stronger statement than that. Your belief is not an adequate assurance to this chamber that compulsorily collected funds from all students across Australia will not be used and abused to fund political campaigns irrespective of whether the people who are forced to pay the tax support the cause being prosecuted. The point that Senator Mason has raised is very important because the qualification around not being able to use these funds to support the election of a candidate to the Commonwealth parliament or various other is very narrow. The way we read it on this side of the chamber is that it will not prevent the abuse of those funds collected from students across Australia

being used and abused to fund political campaigns including those campaigns not support by a great majority of students across Australia.

Why should students across Australia be forced by this government to fund political campaigns and political causes whether it be a cause in favour of Labor's bad carbon tax or a cause against any number of campaigns that may come up on campus from time to time? Of course, all students are free to join those causes; all students are free to contribute their own personal funds to those causes, as long as it is of their own free will and accord. The more general question I have for the government is this: what have you got against freedom? What have you got against freedom of association? Why do you want to force students across Australia to sign up to causes they do not support? Why should students across Australia not be free to make their own choices as to whether or not they want to contribute their own funds to a particular cause? These are very important issues and, quite frankly, the protections in this legislation against the abuse of student funds by having them used towards political campaigns are completely inadequate and they should be strengthened.

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (12:16): I think that it seems for Senator Cormann I need to reiterate that the items listed in proposed section 19-38(4) are quite specific as to the nature in which the expenditure can occur. We are talking about specific issues such as providing legal services to students and caring for the children of students, and they do not stray anywhere near the mischief that is being suggested by the opposition.

Senator MASON (Queensland) (12:16): I appreciate the minister's comments; I honestly do. But, as Senator Cormann has eloquently put, proposed subsection (4) says: Subsection (3) does not prohibit expenditure for a purpose that relates to the provision of any of the following services:

That is not the totality of things that the money could be spent on. It is not exclusionary. Does that make sense? Minister, if you look at subsection (1) you see it says:

A higher education provider must not spend an amount paid to the provider as a *student services and amenities fee to support:

- (a) a political party; or
- (b) the election of a person ...

That is specifically exclusionary. Proposed subsection (4) simply says those services can be provided. But other ones can be as well.

Senator Jacinta Collins interjecting—

Senator MASON: It says:

Subsection (3) does not prohibit expenditure for a purpose ...

Senator Jacinta Collins interjecting—

Senator MASON: Well, if that is the case, why is proposed subsection (1) in there?

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (12:18): Proposed subsection (1) is there for clarity. But the main point, the point I was referring to earlier when I gave the assurance that the bill requires higher education providers to spend student services and amenities fees only on allowable expenditures listed in proposed subsection (4), was about proposed subsection (3), which highlights:

A higher education provider must not spend, for a purpose other than that specified in

subsection (4), an amount paid to the provider as a *student services and amenities fee.

The section in proposed subsection (1) to which Senator Mason refers is simply there for further clarity. But Senator Mason can be assured, by the comments in the discussion that we are having now and the comment that I made at the outset, that it is the government's firm view that student services and amenities fees be spent only on allowable expenditures listed in proposed section 19-38(4) of the bill.

Senator MASON (Queensland) (12:19): Minister, thank you but this is the problem: one could drive a truck through that list—and I am not a particularly good lawyer. Let me point to this example: take proposed subsection (4)(f) about 'promoting the health or welfare of students'. Now, taking promoting the welfare of students, what is to stop a student group saying, 'We have to support the carbon tax because that promotes the welfare of students'? I am sure you follow the argument, Minister, and that is the problem here: this list is so broad and so crudely drafted that it really does not limit student expenditure at all.

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (12:19): I think on this point I will reiterate what I have said earlier, which is that it is the government's view that the sort of mischief that the opposition is suggesting is well and truly dealt with by these provisions.

Senator CORMANN (Western Australia) (12:20): Minister, I have a quick question: how much of the revenue collected through the student tax will end up with the National Union of Students?

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (12:20): Unless the NUS chooses to provide services under (4) that may be none.

Senator CORMANN (Western Australia) (12:20): So why is it then that the government's chief tax collectors, represented by the Chief Executive Officer of Universities Australia, told the Senate committee inquiring into this bill that they cannot guarantee that money would not go to the National Union of Students? That is the evidence we were given. Your chief tax collectors cannot provide a guarantee that the money would not find its way to the National Union of Students and, of course, we all know the highly political track record of the National Union of Students. We know what the National Union of Students has done in the past. We know what the National Union of Students is likely to do in the future. Again I stress that I encourage the National Union of Students to pursue all of the causes they want, but students across Australia should not be forced to make sacrifices to fund—so financially struggling students across Australia should not be forced to fund—the political activities of the National Union of Students. Even your chief tax collectors effectively say, as Senator Mason said earlier, that you can drive a truck through the sorts of commitments that the minister has just made that no money will end up there unless it provides services. That is just not true. It brings me again to a broader question. What is wrong with voluntary student unionism? What is wrong with freedom of association? What is wrong with the principle that students should only be required to pay for the services they actually access? What is wrong with service providers on campuses being required to be responsive to the genuine needs of students? Why should services on campus have this

overall blanket over them where they do not have to worry about what students want or need because they have got the guaranteed cash flow, courtesy of this latest Labor Party tax grab? What is wrong with a circumstance where we have got services on campus that are responsive to genuine student needs and students are paying for the services they want to access and are not paying for everything else—not paying for political campaigns? What is wrong with that?

I ask the minister whether she has actually assessed and reviewed the experiences in my home state of Western Australia, where in that great state we had students, for the longest period of time, being able to benefit from freedom of association and students being able to benefit from the tax cuts that were delivered to them by successive coalition governments—first, by the Court government at a state level and then by the Howard government at a federal level. Has she looked at what has happened to the provision of services on campus at the University of Western Australia and various other universities? The quality of service provision and the take-up rate dramatically improved. Instead of this sky-will-fall-in scenario that Labor senators are painting—where, supposedly, student unions and clubs collapse when there is no compulsory tax—services and unions on the campuses in Western Australia continue to thrive. Yes, they had to adjust their so-called business model. Yes, they had to start to worry about what it was that students were looking for—they could not just ignore the demand for services as they existed on campus—and be responsive to genuine student needs. That is a good thing, I would have thought. Why should we go back to the bad old days where all students across Australia were slugged with a tax to fund the idiosyncrasies of a few? That is not appropriate. Yet this is what

we are getting, again, from this ideological, tax-grabbing Labor government.

Students across Australia need to understand that under a coalition government they would pay less, under a coalition government they would be more free and under a coalition government they would have freedom of association—all the things that this Labor-Green coalition government is proposing to take away from them with this legislation. I want to know from the minister—and she has not responded to this before—what this government has got against the concept of freedom of association. Why does this government want to force students to be part of causes they do not support? Why does this government want to force students to fund campaigns that they do not support? What was wrong with the campuses in Western Australia where there was a period of 13 or 14 years of freedom of association? Are you really suggesting that student services in Western Australia are inadequate or nonexistent?

I point to one particular piece of evidence from Ms Drakeford from the National Union of Students when she sought to criticise voluntary student unionism. She said, 'The Australian National University's gym membership has gone up by 500 per cent since VSU.' That is terrible, isn't it! Because we now have voluntary student unionism, students actually choose that they want to join a gym. They are prepared to pay a fee to join a gym. Gym membership has gone up by 500 per cent. How terrible that students across Australia are no longer funding access to gym services for those who go! How terrible that students not going to the gym are no longer funding access to the gym for those who do! That is a terrible thing!

Yesterday, this government was complaining that the price of coffee has gone up, the price of drinks at the bar has gone up,

the price of food has gone up—and now people have to join the gym. How terrible. The only way you can stop that is by forcing a whole bunch of students who are not going to access those services to pay for those who do! Why is that right? Why is that the way that this government wants to go? It is not as if we are talking about rich people; we are talking about students. We are talking about students who work week in and week out to make ends meet, and this government wants to slug them with another tax. It is completely inappropriate.

I say again to students across Australia who are listening to this debate: this Labor-Green government wants to take your freedom of association away, this Labor-Green government wants to slug you with another tax and this Labor-Green government is quite happy for your money to be used to fund causes and services which you do not support. We on the coalition side of the parliament think that is highly inappropriate. That is really the crux of the matter. I am interested in your answer to my various questions, Minister.

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (12:29): Firstly, with respect to the hypothetical question on the NUS, that has been dealt with. The provisions in subsection (4) of the Higher Education Legislation Amendment (Student Services and Amenities) Bill 2010 have been designed to eliminate the very concerns that the opposition are raising about political activity to focus expenditure on services and amenities, and this is why the Group of Eight have supported these measures. This bill is designed to allow for the better provision of student services and amenities. It has been broadly canvassed and takes into account the experiences across universities, across Australia, across the

board. That is why, other than the opposition, these measures are broadly supported.

Senator RONALDSON (Victoria) (12:30): I have not had the opportunity to join this debate until now, but I do want to take up some of the matters that have been raised most eloquently by my colleagues, both in the second reading debate and in committee. What is glaringly obvious from listening to this debate from my room on and off over the last two days is the utter philosophical hypocrisy of the government—absolute philosophical hypocrisy. I assume that their partners and the other end here, the real government in this country, will be joining them on this matter. That is the real philosophical hypocrisy.

Quite frankly, the parliamentary secretary has not given one ounce of confidence to anyone in relation to the abuse of these funds in her answers to Senators Mason and Cormann. The problems are big enough for a truck to be driven through. We know from past experience that organisations such as the National Union of Students are going to do whatever is required to ensure that they get hold of this money. They get hold of this money to support the Australian Labor Party, and what the Australian Labor Party has done with this legislation is to pull out from underneath the feet of all Australian students their right to freedom of choice in the expenditure of these funds.

What you have done is the most appalling part of this debate. The Australian Labor Party have done this because the National Union of Students for decades was a third or fourth arm of the Australian Labor Party. It is not appropriate to argue that there are sufficient provisions in this legislation protecting students from the misuse of their funds. There is not sufficient protection. Anyone looking at this legislation, as Senator Mason said, could drive a truck through it.

The Australian Labor Party knows, we know and the Greens know that it will be used against the coalition in support of the Australian Labor Party and the Greens.

But that is not the fundamental issue. The issue is not about whether it is to support the Labor Party against the conservative part of the community; it is about freedom of choice. On what basis does the Australian Labor Party force Australian students to pay money for services which they do not use? On what basis does the Australian Labor Party have a philosophical right to demand that of students? The only fair philosophical position in relation to this debate is for freedom of choice to remain, for there to be voluntary student unionism, because everything else is the antithesis of what we in this place should believe.

You cannot sit there, Parliamentary Secretary, and argue that a loose form of words is giving protection against abuse of these funds because no-one looking at the legislation we will believe it. Even a bush lawyer can see that there is no protection in this legislation. I do not think that anything you have said today to Senator Mason, Senator Bernardi, Senator Cormann or others would give any confidence at all in relation to this matter. Clearly, Parliamentary Secretary, you need to answer the questions properly that were put today. For example, you have not answered Senator Cormann's question about NUS expenditure. Answer the questions that have been put to you today, because if you do not it is just a further example of a philosophical cover-up on this matter.

Apart from the National Union of Students and the Australian Labor Party, I do not know anyone who is legitimately opposed to voluntary student unionism or voluntary student payments. How could anyone be against those voluntary payments?

It does not stand up to the philosophical test. It does not pass muster in relation to what is reasonable. Again, I look at the great cohort of students in this country, particularly regional and rural students and particularly the children of working families. On what basis does the Australian Labor Party demand of them a compulsory fee? On what basis does the Australian Labor Party demand of working families and regional and rural students a fee over which they have no choice and for which they will have, in the most part, no use? On what basis do you justify that?

You have sold your own alleged constituency down the drain on this matter. Surely it is the students and their parents who make a decision about the expenditure of the family funds. It is the families who must be allowed to make that decision, not the Australian Labor Party to support one of its largest branches—namely the National Union of Students. This is about supporting a branch of the ALP. It is not about supporting regional or rural Australians. It is not about supporting struggling families, working families—

Senator Mason: Or Aboriginal kids.

Senator RONALDSON: or Aboriginal kids, as Senator Mason says. Whoever it may be, you are demanding of them a compulsory fee for which there is no justification. In the time remaining in this debate, let us hear the parliamentary secretary, on behalf of the government, actually answer those questions that have been put during the committee stage and those that were put through the second reading debate. If you do not, then you stand utterly condemned.

Senator BERNARDI (South Australia) (12:37): The concerns of many in the coalition, most recently articulated by Senator Ronaldson, come back to this issue of the welfare of students. I seek a broader

response from the Parliamentary Secretary for School Education and Workplace Relations. How are we to interpret the words in clause 19-38(4)(f) of this bill: 'promoting the health or welfare of students'? You can draw a long bow and extrapolate health into many much needed areas, and the welfare of students is certainly a very subjective task. Some would say that engaging in political agendas, as Senator Mason has highlighted, is about enhancing the welfare of students, whether they be current students or future students. Some would say that the opposition to this compulsory tax on students is in fact acting in the welfare of students, so would students and student unions be able to put their funds in and campaign, for example, against this government which is seeking to tax every student, whether or not they actually engage in the services that are available on campus?

I am drawn to the dichotomy that, on one hand, the Prime Minister said earlier this week that she believes in individualism and rejects collectivism and that the choices of individuals are very important, but, on the other hand, has had introduced into this place this week a bill which rejects entirely the individual choice of students. It is applying a tax of \$250 on students, overall a tax of about \$250 million, which will make their lives more difficult. I say more difficult because, financially, it is a struggle—many students do not have \$250 to pluck out of thin air. It is a week's work for many casual students—it can be applied to their HECS bill but if they do that it becomes a greater burden later on. We know that delayed gratification is a good thing, but delaying the repayment of debts is not a good thing.

The welfare of students, that catch-all phrase, is open to an enormous amount of abuse. The challenge for the parliamentary secretary is to highlight the areas which the government considers are appropriate for this

money to be expanded upon for the welfare of students. It is incumbent upon us to highlight our concerns and have them ruled out specifically by the government. I suspect that it will not be able to do that. That is not a reflection upon the minister's competence, but upon the drafting of this bill. You have to understand, and I think the Australian people understand, judging by the feedback that comes into the Twitter stream, that students are concerned. I do not read what people write about me on Twitter, but Senator Mason has certainly been getting many favourable comments on Twitter from students who are concerned about how this will impact on their lives. They are not concerned about the \$250 specifically, although that will be a burden, but about the greater concerns of potential misuse and abuse for people who might consider themselves victims of on-campus actions. That will be the challenge and it is why I put to you, Parliamentary Secretary, the question: are you able to determine in a very specific manner, perhaps you could even table, a list of approved activities that would be determined to be for the welfare of students? If you are unable to do that, perhaps you could provide us with a number of examples that would clarify the phrase. These are very genuine concerns that have been articulated in a number of areas and which are held not just by the coalition but by hundreds of thousands of students across this great land. It is for them that we are raising these issues. We want to protect not only their financial pocketbooks but the integrity of the use of their funds. There is no denying that there has been misuse of student union funds in the past. That has been demonstrated, categorised and catalogued extensively.

In the short time I have left I do not need to elaborate too much further on that, save to say that when compulsory student unionism

and amenities fees was abolished by what was an excellent government—most Australians would confirm that, given the current state of affairs of this nation—there were a lot of happy students. Those who decried and said that student life would be diminished or fail have been proven wrong again and again. We could draw parallels with other sorts of policies, but I will not. I will confine myself to this issue, which is the welfare of students. So, Parliamentary Secretary, I ask whether you are able to provide me and the people listening, the many students who are following this debate, with a definition of 'welfare of students', with some examples of how it would be inappropriate to spend money under the guise of the welfare of students and some examples of how it would be appropriate to spend money on the welfare of students. I have given you plenty of time to take appropriate advice, so I would like a full and complete answer to my very genuine concerns.

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (12:43): I encourage Senator Bernardi to have a look at clause 19-38(4) of the bill, where is listed exhaustively the sorts of matters that are regarded as related to appropriate student services and amenities and student welfare, as opposed to political activity, which this bill seeks to ensure funding is not directed to, as I mentioned in my earlier comments. Aside from that, we could continue to debate at great length the philosophy of applying user charges. I do not think that there is any point in that, other than to say that it is the government's view that an education provider can seek to gather resources in order to deliver certain types of student services and amenities as opposed to political activity, and that is what this bill seeks to do.

Progress reported.

MATTERS OF PUBLIC INTEREST

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

Australian Labor Party

Senator SINGH (Tasmania) (12:45): I rise today to draw attention to some of the recent remarks of the Prime Minister, especially the EMILY's List Oration and 15th birthday that we marked last week. The address that the Prime Minister gave to the Chifley Research Centre was entitled 'Labor in Australia is a movement'. I wish to recognise the importance of the decisions and the depth of the words the Prime Minister has delivered in recent weeks. While I do so as a member of the party led by the Prime Minister, as a supporter and as a colleague, I also do so equally as an Australian citizen who believes very strongly that the office of Prime Minister is one deserving of esteem and respect.

I am, I would presume like all Senators here, an avowed democrat with an interest in the history of the development of democracy in this country. In my short time thus far as a senator in this place, having had the opportunity to explore Canberra, I have been reminded that the role of parliament and government in this country has and continues to be central to the creation of a prosperous nation—a prosperous Australia. Our leaders, and we senators, all have a great responsibility, I believe, to lead as well as represent. Our words and deeds, especially those of the Prime Minister, are written into the fabric of our society, just as the words of our past leaders are inscribed on our national monuments and their deeds are reflected in the grand institutions of this city.

These marks that are etched into history, which remain relevant to any Australian of any time, necessarily speak to not just policy and the issues of the day but also the

approach that those leaders have taken in their role at the most fundamental level. They speak to the most basic values that have guided the decisions of government and, in turn, guided the direction of Australian society. The enduring influence of these values is not always evident and not always discussed in the cut and thrust of the daily 24-hour news cycle or in the debates with which we most often occupy ourselves in this place. While sometimes the discourse of this chamber and the very great volume of our extra-parliamentary debate simply does not reflect that rich tradition and those great moments of change in Australian society, and although it is easy to be drawn into conversations of negativity, criticism or, worst of all, trivia, it is the case that great words and substantial deeds do still play a role in Australia's development. They do still play a role in Australian government. And we do have the fortune of having a leader of this country who carries the dignity of her office, who is committed to dealing with important things and who considers the values that will bear her and our mark on history—Labor values.

Last Tuesday, 13 September, the Prime Minister gave the inaugural EMILY's List Oration. EMILY's List is a movement designed to support progressive Labor women in achieving office. It is an organisation which has enabled me, like so many other women on this side of the chamber, to take the opportunities of election that women were so long denied and where women are still underrepresented. The Prime Minister's speech was a reflection on the history of the women's movement and the extraordinary challenges that have been confronted and defeated by women who were determined, practical and brave.

The drivers of change have been women who held firm to their values but never detached them from the real tasks and actual

situations of women in politics and in society. Their result—the signal of the success of the women's movement—has, in the words of the Prime Minister, been in 'taking the remarkable and rendering it unremarkable'. It is important, I think, to dwell on that sentence a short time. What it means is that whatever progress we make—and we have made considerable progress—we must remember that we always had to work hard. Those women and men, those leaders and ordinary people who believed in the right to the vote, to decent work, to fair pay and to a proper share of life's opportunities always had to strive to achieve what we can sometimes take for granted today.

The Prime Minister's oration was a reminder that there is still so much work to be done, that we cannot become complacent by assuming either that the task is done or that progress is inevitable. It never has been and it never will be, and we must be active in stamping out inequality wherever it exists in our society. I strongly support the Prime Minister's comments—comments which reflect the principles on which the Labor Party has always been based and by which Labor members like me have stirred and agitated and insisted. That is why the Labor Party are the party of reform and why the Labor Party fight for equality rather than sitting back and hoping that opportunity will simply trickle down against a backdrop of inequity, poverty or patriarchy.

This approach is captured in the title of another of the significant speeches the Prime Minister gave last week, 'Labor in Australia is a movement'. This was an address to the Chifley Research Centre, where again the Prime Minister made reference to Curtin's courage, which kept us free in times of war, and Chifley's convictions, which built a nation. I draw that to the attention of senators in this place, as I did in my first speech, because it is the values of Labor which guide

us and which were reflected last week in those two significant addresses by the Prime Minister, both the EMILY's List Oration and the address to the Chifley Research Centre.

They are the values that will guide us into the future—the values of equality, opportunity and respect for difference amongst us—as well as the recognition at all times that it is through the struggles of leaders past and present for those values that we find ourselves here today. They are the values that guide us as Labor senators and members and will guide us into the future. We need to hold dear those Labor values that, at a time when the news media are very much focused on negativity in regard to the issues of the day, do not bear the light they should.

The government are faced each day with the task of judging the public and the national interest; weighing public desires and perceptions, and expert advice; dealing with new challenges and unpredictable circumstances; and dealing with situations in which the intentions and motivations of our leaders cannot always be fully expressed or achieved. In these situations, in the everyday administration and on the most momentous of occasions, our decisions are filtered through the prism of our values, and it is only fair that, in a democracy, our citizens know what those values are and on what basis we are acting.

Our vision for a better Australia is likely common to all in this place, although our values and approaches to government are often starkly different. I am proud that Australia has a Prime Minister who is willing to clearly articulate her values, whose values I share and whose values will reverberate not just through the halls and places in Canberra where speeches are made but also through the legacy of action with which they are imbued.

Housing Affordability

Senator LUDLAM (Western Australia) (12:55): My comments will dovetail quite neatly with those of Senator Singh, because the issues that I would like to speak of go very strongly to issues of equality as well—not just income or gender equality but asset equality. Of course, I am speaking about housing and housing affordability, because it is one of the things that many of us take for granted in Australia, and this has come from our history: we believe housing is a human right. Having a roof over your head and having sustainable and affordable tenure is something that we in Australia think of as a right. In the minds of many, housing has become just another asset class, just another property to be bought and sold in the great game of Monopoly. A number of trends have pushed it in this direction, and those two agendas are completely at odds. If you are an investor and you are looking for capital appreciation at a rate that is as high as possible, eight or 10 per cent a year, that is quite clearly going to completely contradict the aspirations of many people for affordable housing and for some stability in the housing market.

I welcomed the launch of the Australians for Affordable Housing campaign in this building on Monday. This is a coalition of over 60 national housing, welfare and community sector organisations who are calling on all levels of government to make the changes necessary to ensure that all Australians can find an affordable home. This is a group that is saying, loud and clear, that the problem of housing affordability has gone on for too long. Plenty of people have noticed it. The Australian government has noticed it. The opposition has noticed it. But it seems intractable. It is time to fix our housing system.

What is needed is a clear national plan to deliver affordable housing to all Australians, and the Australians for Affordable Housing alliance offer a six-point plan that goes directly to the heart of what is wrong with our housing system right now. The first thing that they ask for is investment in more low-cost rental housing, because the housing debate in Australia is skewed towards homeownership. Obviously, homeownership is something that we in the Australian Greens support, and it is great for the people who can get into the market, but what about those who cannot? What about the entire generation of people who have simply been priced out of homeownership? We also tend to forget the fact that so many people rent. Between 1996 and 2007, the number of affordable public housing properties shrank by 32,000, while the population grew by 2.8 million people. This is despite the record one-off \$5.6 billion spend on social housing as part of the stimulus package which will deliver around 20,000 new social housing dwellings. We supported that initiative. I think it was one of the better parts of the stimulus package that the government, with the concurrence of the Greens, sought to make investments in public housing. It solved an issue in the building sector and got people back to work, but it also started to fill this enormous gap in unmet need.

The minister for social housing, Mark Arbib, said earlier this year in a speech that there was underinvestment of \$3.1 billion by the previous government in social housing. He noted that the current housing shortfall was 90,000 homes, with 60,000 households in greatest need. That gap will rise to 150,000 by 2020, and the cost to meet that shortfall is \$24 billion. But the Minister for Social Housing and Homelessness, who presides over 105,000 homeless people, says that the government does not have the money. There is no plan, there is no

proposal, to plug that shortfall of \$24 billion. He says it is up to the affordable housing sector to build it, it is up to the community housing sector, it is up to investors. He wants to leave it to the market to fix a market failure and chronic underinvestment by successive governments. The problem with this thinking—and the fear of government intervention that it seems to embody—is that the housing market is broken. It is not operating efficiently at the moment—unless you have six investment properties; then you would be doing reasonably well out of the increases in the housing market that have occurred over a decade or so. This is why we need long-term planning, funding and targets for social housing as a proportion of all stock based on housing need. The stimulus spend was absolutely welcome, but even the government and the minister concerned have acknowledged that it does not go nearly far enough because our private rental sector is partly what is out of control. The current gap is around 493,000 affordable and available rental dwellings for low-income earners. In the past five years, rents have risen at twice the rate of inflation. They have almost tripled in capital cities around Australia in the last decade. At the last census, 65 per cent of renters were experiencing housing stress and the next census will no doubt see this figure rise dramatically. We cannot just sit back while this happens.

We know that in our mining regions the boom has amounted to an unbelievable boom in rental prices. We think things are out of control in Canberra, Sydney and central Perth, but the median rent in Karratha and Port Hedland in Western Australia is now \$1,500 to \$1,700 a week. The rent in Gladstone in Queensland jumped 15 per cent in a year, and the situation is worsening as well in the so-called 'muscle towns' of Mackay and Townsville in Queensland and Whyalla in South Australia. So the people on

the front line who are meant to be benefiting from the mining boom are actually doing the worst. Boom times come with a desperate shortage of housing to buy and rent. The only people who can afford to live in some of these communities now are people who are being subsidised by their employers. That is pricing key workers out of the market and it is making homelessness vastly worse. In the boom towns of the north-west—and I presume it is exactly the same in Queensland—Aboriginal people and long-term residents of those communities can no longer afford to live there. They are flying in and flying out people to clean schools in Karratha and Dampier.

The second ask of the housing coalition that was launched this week is for financial assistance for low-income renters. This is probably the simplest and most obvious case to make. The current rates of Commonwealth rent assistance are simply nowhere near enough. In the last ten years, rent assistance has risen by about nine per cent, or \$35, while rents across all major cities have increased by at least five per cent per year. So we are falling behind rapidly. In the last three years in Perth, rent for a two-bedroom unit rose by \$100 a week, a lift of 40 per cent, at the same time as CRA is crawling upwards very slowly.

A single student who earns \$377 a fortnight on Austudy gets an extra \$119 a week in rent assistance. That is an income of \$248 a week, yet median rents in capital cities are now \$380. That leaves \$58 for everything else. National Shelter and ACOSS have called for a 30 per cent increase across the board and for assistance to be pegged to regional rent variations. The Henry tax review calls for maximum rates of rent assistance for income support recipients to be substantially increased and linked to movements in market rents. It is essential that Commonwealth rent assistance pays

some regard to what is happening in the rental market. Addressing the inequity and the gravity of the problem with our rent assistance is well overdue.

The third and fourth asks by the housing coalition are for more opportunities for low-income households and first homeowners to access home ownership. Particularly for people trying to get in as first home buyers, generational inequity has emerged in that the housing market has become warped beyond all recognition just in time for people of my age and younger to find themselves completely locked out of the market. The income simply is not there. Hearing all these demands by big business for labour market flexibility makes it very difficult to contemplate taking out a 20- or 30-year loan.

In the past decade, house prices have risen dramatically and have torn away from modest gains in income. The average house now costs seven times the average worker's wage. This is not how the situation was when people of my parents' generation were getting into the housing market for the first time. Even ten years ago it only cost four times the average worker's wage. In my home state, the median house price in the capital, Perth, was \$535,617 in the June quarter. Prices are down two to three per cent recently, but that needs to be seen against the backdrop of a 222 per cent increase in Perth in the last decade. It is completely unrealistic for investors to think that that kind of capital appreciation can continue without warping the market beyond recognition. It is unsustainable, it cannot continue and it is strongly disadvantaging younger people.

The 2011 Bankwest Key Worker Housing Affordability survey showed 78 per cent of capital city local council areas were too expensive for key workers to buy a house in 2010. While we are used to having to deal with the idea of people in the lowest income

quintiles not being able to afford houses anywhere near the areas where they work, this is affecting key workers and people on what we would consider to be medium incomes. The same report showed that not one of Perth's 291 suburbs is affordable to key workers, including people like teachers and nurses. Something is clearly and devastatingly wrong when key workers cannot afford to live anywhere in the city. Something is also wrong when only the very wealthy or people who are prepared to live further and further over the horizon at the edge of cities can even contemplate buying their own home.

The government response has been a demand stimulus, a handout to inflate the price of housing in the form of the \$7,000 first home owners grant that has cost the country \$13 billion to date. It is inflationary, regressive and despised by countless economists, except unfortunately those in Treasury, who refuse to do any modelling on the impact of just handing over money which then passes straight through to an increase in house prices. What could have been done with \$13 billion in genuine housing affordability initiatives or in help for people to get into their first home? For the same amount, we could have seen 43,000 actual houses built or 1.3 million National Rental Affordability Scheme incentives to increase supply rather than inflate prices as people bid up house prices without doing anything to increase supply.

Other incentives like the First Home Savers scheme and shared equity schemes are much more responsible and effective. WA is leading the way in some of these things—in a tentative way, but they are there with a shared equity scheme. Cooperative housing and community land trust models must also be given their time to shine. Maybe the era of fewer and fewer people living in larger and larger houses on the

fringes of our great cities is coming to an end.

The housing coalition also have called for a change in the housing investment tax arrangements that drive up house prices. We are seeing investors crowding into the market, bidding up house prices against people trying to purchase their first home, and it is putting enormous distortions into the rental market as well. The Australian tax system provides the largest source of subsidy for housing consumption. Anyone interested in these impacts should read chapter 4 of *A good house is hard to find: housing affordability in Australia*, the report of the Senate Select Committee on Housing Affordability in Australia, which my colleague Senator Rachel Siewert made a huge contribution towards. Alternatively, they should read the sections on housing in the Henry tax review.

The Senate select committee investigated factors influencing the demand for housing and reported that the combined total of capital gains tax arrangements, land tax exemptions, negative gearing arrangements and so on is of the order of \$50 billion per year. That is spread across the Commonwealth and state systems—\$50 billion a year in concessions while we are spending something of the order of \$2 billion or \$3 billion a year on genuine housing affordability initiatives across the country. The Greens have recognised this for many years. It is not a secret—the housing affordability peak bodies have been pointing this out for literally a decade or two.

We are an outlier in terms of how generous our taxation system is towards housing owners, investors and even speculators. There are many more people who would stand to benefit from improving the fairness of our tax system and moving our investment

towards affordable rental supply than there are people who would potentially lose out.

My final ask is about a subject that is a real bugbear for me and it is something that I have consistently raised since the last election because I find the government's reasoning absolutely incomprehensible. One of the lesser discussed impacts of the last election was the loss of a dedicated housing minister. We now have a machinery of government, for housing, that is just a scrambled egg—it is just a bowl of spaghetti—if you are trying to work out who is responsible for which parts of the housing portfolio. I do not understand why the environment minister is now responsible for housing affordability. I have asked many times why the portfolio was demolished and nobody is able to give me a sensible answer.

Former Minister for Housing, Tanya Plibersek, was the first dedicated housing minister in Australia—certainly in recent political history. That was a key demand of the Greens in the run-up to the 2007 election. The Australian government responded to that and we got a housing minister who was competent, effective and compassionate. Australians deserve to have one person and one ministry responsible for providing safe, secure and affordable housing. This is not a comment on any of the ministers, like Senator Arbib, who suddenly found that housing was part of their portfolio. He is doing his very best with the resources that he has, but I do not think it is clearly understood, even in government, who is responsible for which bits of the portfolio. This is a key request of ours and I believe it is shared by the coalition. Certainly Senator Marise Payne has done an enormous amount of work on these issues. Just bring it back into a single portfolio so that we know where responsibility lies. Without a dedicated minister, I think there is very little hope for a housing strategy.

The launch of the Australians for Affordable Housing campaign on Monday was, I think, the beginning of a very important conversation that we need to have in Australia to make sure that Commonwealth and state housing spending, and the way our tax system is structured, is not regressive—that it genuinely helps people to get into homes. Whether it is getting renters stable and secure tenure, getting first homeowners into homes or allowing people to move from one home to another without being beaten to death with stamp duty, there are so many issues that we need to take on. Let us get on with it.

Economy

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (13:10): Support for the Gillard Labor government is unquestionably at an all-time low, with a dramatic slump in their primary support. We see that every week when we open the papers and see the latest Newspoll. The latest Newspoll released in the *Australian* shows that their primary support base has slumped to 26 per cent. I have to suggest that this might have something to do with—to put it in the words of the Leader of the Australian Greens, Senator Bob Brown—the 'consensual alliance' between the Greens and the Gillard Labor government. At this time of all-time low support for the Gillard Labor government, we now hear that the Treasurer, Mr Wayne Swan, has been awarded—well done, Wayne—the title of treasurer of the year by the London based magazine *Euromoney*.

Senator Crossin: On a point of order, Mr President: I believe the Treasurer deserves to be referred to in this chamber with his full and proper title.

The ACTING DEPUTY PRESIDENT (Senator Fawcett): Senator Kroger, please refer to the Treasurer by his complete title.

Senator KROGER: Thank you for that advice, Mr Acting Deputy President—I did refer to him as the Treasurer, Mr Wayne Swan. This so-called acknowledgement has left many commentators, I would suggest, and certainly many of us up here on Capital Hill, lost for words, I have to say, given that arguably the Treasurer's greatest achievement to date has been to rack up a deficit of no less than \$154 billion whilst turning \$45 billion in the bank into a \$110 billion credit card bill. This he seems to have accomplished with little effort. He does not seem to have had to put a lot of effort into this achievement—

Senator Sherry interjecting—

Senator KROGER: In fact, Senator Sherry, it is one of the things that you have done extremely well. We have seen—

Senator Sherry interjecting—

Senator KROGER: You see—you just scratch the surface a little and those sitting on the other side get very agitated about this. We have seen a historic level of government incompetence and mismanagement which has seen billions of dollars of Australians taxpayers' money flushed down the toilet.

With the surplus that was left by the former Howard-Costello government, Treasurer Wayne Swan went on a spending spree in the pursuit of stimulating the economy. We have acknowledged that the purpose of it was to—in his words—'stimulate the economy'. But he did it seemingly without any consideration for value for money or long-term benefits for Australia. I remind this chamber—with Senator Mason here, because he has prosecuted the case very effectively in this chamber—about the waste and mismanagement and total lack of consideration in formulating the so-called Building the Education Revolution. That program saw a focus on flash new school halls—sparkling amenities—but no real public policy

consideration of how that would actually raise the education levels of our kids. It has not raised education standards and we have seen that in the recent results. It has had no impact on the education standards achieved by Australian students.

Let us not forget the Green Loans scheme and the pink batts debacle. We are still paying for that debacle and there are still to this day many households with electrified roofs. Then there is the shambolic way in which they are still dealing with the asylum seeker crisis. We discuss in this chamber every day this appalling state where we have a flotilla of boats coming to this country, and it is costing taxpayers an extra billion dollars a year just to maintain the status quo without actually fixing the problem. We are not going to the root of the problem—we have a continuing crisis in this area and the whole thing is being dealt with in a shambolic way.

Indeed, one can only congratulate the Treasurer for this accolade given the extraordinary financial recklessness of this government. What a great achievement it is. I would encourage those listening to this broadcast today to google the recipients of *Euromoney* honours. It makes for interesting reading. We find former awardees include corporations such as Lehman Brothers who, as we know, went belly up in 2007, taking the hard-earned cash of many Americans with them. It was the largest bankruptcy in US history. So the Treasurer, in being given this award, is amongst very distinguished company. The global financial services firm Morgan Stanley and the megabank Citigroup have both received honourable mentions, and yet they were bailed out by the US government in the latter stages to prevent their collapse. Whilst I would not suggest I am any soothsayer, I do not think that the Treasurer is necessarily standing in very good company.

Given the economic climate around the globe, who would have been possible contenders for this award? It is a reasonable question to ask.

Senator Mason: It could have been the Assistant Treasurer.

Senator KROGER: It could have been the Assistant Treasurer. He could have been considered. In addition to the Assistant Treasurer, they could have considered the US Secretary of the Treasury, Timothy Geithner. He is facing the challenge of finding no less than US\$3 trillion, at current exchange rates around A\$2.9 trillion, in new deficit cuts to make sure that the US credit rating will not be downgraded any further. Then we have Giulio Tremonti, the incumbent Italian finance minister who has presided over that country's credit rating downgrading. Italy, as we know, currently carries a public debt of €1.9 trillion, or A\$2.56 trillion, a portion of which must be refunded each year through the sale of government bonds. Then we have the Greek finance minister, Evangelos Venizelos, who is staring down the barrel of the financial gun and relies on the agreement of the European Union to ensure that the Greek economy does not experience a total collapse.

Even more financially stable countries such as Germany, France and Japan all face the challenge of protecting their own economic stability by bailing out other countries and dealing with the consequences of significant natural disasters which require huge financial reserves to complete their individual rebuilding task. So, compared with the rest of the world, Australia is indeed a fortunate country, with its continuing mining boom, but we must not take the situation for granted or be complacent. Our current circumstances do not mean that this government should think it can have an open chequebook for the things it is trying to ram

through this parliament, including the introduction of a carbon tax. Our current circumstances should not be taken for granted, and it is the responsibility of this government to ensure that the necessary measures are taken to increase Australia's productivity, particularly in the manufacturing and service industries.

I know Senator Mason will be surprised by this, but the Treasurer, Mr Swan, has clearly benefited from the heavy lifting done by the former Howard-Costello government. We know it took the former Treasurer, Peter Costello, 10 years to pay back the \$96 billion Labor debt from the Hawke-Keating years.

Honourable senators interjecting—

The ACTING DEPUTY PRESIDENT (Senator Fawcett): Order! Senators Sherry, McEwen and Mason: under standing order 197, a senator shall not be interrupted except to make a point of order.

Senator KROGER: Thank you, Mr Acting Deputy President. It is always very impressive when the chair knows and can quote the standing orders. Those on the other side have been getting a bit agitated about the due deference paid to former Treasurers who actually understood how to grow surpluses. It took Peter Costello 10 years to pay back that \$96 billion of Labor debt that had been ratcheted up so easily during the Hawke-Keating years. The recipient of this award should be the former Treasurer, Peter Costello, who knew what it meant to apply financial discipline and responsibility to the task. That provided the basis for the current economic situation that the government enjoys. *Euromoney* magazine has commended Mr Swan for his careful stewardship of Australia's finances and economic performance, both during and since the global financial crisis. But this is not the full story, as the *Australian* newspaper so rightly

pointed out in its editorial today, 21 September 2011. It states:

Mr Swan can claim credit for recognising—

Senator Crossin: What kind of research is that?

Senator KROGER: We know that you have issues with the media—the media properly scrutinising what you do—but, Senator, it might pay you and help your understanding—

The ACTING DEPUTY PRESIDENT (Senator Fawcett): Order! Senator Kroger, please address your remarks through the Chair. Senator Crossin, you will appreciate your opportunity to speak in silence in less than four minutes.

Senator KROGER: Thank you, Mr Acting Deputy President. I quote from the *Australian*:

Mr Swan can claim credit for recognising the threat of the global financial crisis and responding quickly, particularly through cash injections, to stave off recession. However, much of the later rounds of stimulus spending was ill-targeted, poorly administered and unproductive. The resources boom, fuelled by continued Chinese demand, the rapid depreciation of the dollar via our floating currency and the aggressive easing of monetary policy by the Reserve Bank, as well as the stability of our financial sector, insulated us from the worst of the crisis.

I do not read too much in that about the contribution that the Treasurer has given to this whole situation. While we know that this government will take the credit for anything, and if I was them I probably would too, given their appalling track record on the governance of so much since they have been in office, recognition must be directed to the former government's handling of the economy and to former Treasurer Peter Costello for the way in which he set up this country so that it ensured us some protection against any vulnerabilities or unstable global economic challenges. The Treasurer, Wayne

Swan, has presented us with fudgy budgets. He has promised to return the budget to surplus while borrowing \$135 million a day to service the current debt. That is \$135 million a day that every taxpayer will have to pay back before a single cent is saved for the government in the future.

After the categorical ruling out of 'There will be no carbon tax under a government I lead' by Prime Minister Gillard, we know how committed the Labor government is to its election promises. We know what it does with its pledges: it bins them. It has no credit and integrity in this regard whatsoever. The answer to this government's financial irresponsibility, and its total spending spree, is to raise more money by introducing more taxes. We see this again now and we will see it with the mining tax, which is the next thing the government wants to bring on the agenda.

Senator Sherry: Bring it on. Bring on the mining tax.

Senator KROGER: Its answer to fixing problems is more taxes. It does not understand what financial management is all about. It is terrific to see Senator Sherry join us because he may learn a thing or two about this. *(Time expired)*

Australian Defence Force

Senator CROSSIN (Northern Territory) (13:26): It was with immense pride a few weeks ago that I helped to welcome our troops back to Australia and also took part with our community in the opening of a new memorial to our veterans in the heart of Palmerston. On Saturday 3 September we witnessed a magnificent sight when hundreds of service men and women marched through the streets of Darwin, welcomed back by thousands of friends, family and members of our very supportive Top End community. The Australian Army Band Darwin provided the marching music as the seemingly endless

line of troops moved from The Esplanade down Mackey Street. Joining the troops on parade was Digger, the riderless horse, with boots in the stirrups that, in accordance with tradition, are pointing to the rear, which represents the fallen soldiers, not marching with their comrades but not forgotten.

Following the marching troops rolled the armoured fighting vehicles that provide a symbolic example of their vital overwatch, direct fire, and protective work on operations. This was an impressive sight but it was also a real buzz for the families and the children lining the streets, waving Territory and Australian flags and dressed in yellow T-shirts, provided by the Northern Territory government, that said 'Welcome Home'.

The ADF was represented at the welcome home parade by the Chief of the Army, Lieutenant General David Morrison AO—and I take this opportunity to publicly congratulate him on his appointment and say I enjoyed immensely the opportunity that I had on that day to chat with him about his new role—also, the Commander of the 1st Division, Major General Rick Burr DSC, AM, MVO and the Commander of the 1st Brigade—a great friend of Darwin and the Top End's Defence community—Brigadier Fergus McLachlan AM, ADC. These three very distinguished leaders of our armed forces joined local, Territory and federal representatives in welcoming home approximately 1,300 of our troops who have recently finished their overseas operational service.

Their distinguished service included operations in Afghanistan as part of the Mentoring Task Force 2. This task force was made up of engineers, mechanised infantry and cavalry from Darwin based units. MTF 2 made an invaluable contribution to security in Oruzgan by patrolling further and supporting more Afghan National Army—ANA—

elements than any other previous task force. These partnering operations and mentoring will enable the ANA to take increasing responsibility for security in their own country. There was also the Artillery Training Team, Kandahar, who have been training members of the ANA in artillery and the required numeracy and literacy that is needed to perform the task of an artillery operator. Also included was the combined team in Oruzgan, which is part of the team running operations led by the International Security Assistance Force, or ISAF, based in that province. There were also troops from Special Operations Task Groups 13 and 14, which included members of the Darwin based 1st Armoured Regiment. We also welcomed home the members of Force Communications Unit 4, who were supporting operations in Afghanistan with vital communications links.

The majority of the troops being welcomed home had been serving in Afghanistan. However, the parade also provided an opportunity to welcome home members of Australian Security Detachment 17, who were guarding the Australian Embassy and embassy staff in Baghdad, Iraq. We also welcomed back members of Timor-Leste Task Group 2, including soldiers from the Darwin based 1st Combat Engineer Regiment and our fantastic Active Australian Army Reserves from reserve units throughout Australia. Again, task groups need communications, and Force Communications Element 4, made up of members of our Darwin based 1st Combat Signals Regiment, was also welcomed home after serving in Timor-Leste, our close neighbour.

The march was very well attended. There was almost a carnival atmosphere as people lined the streets and applauded constantly. They were so proud of the display of the service men and women from our Defence Force. I want to place on record my thanks to

the Darwin City Council for the immense work that was undertaken in organising and hosting this parade and the great reception for some of the members of the Defence Forces and their families after the parade.

The following day—the Sunday—we headed out to Palmerston, where hundreds turned out to again welcome home the troops, in particular the 1st Brigade troops, who are based at Robertson Barracks—or Robbo Barracks, as we call them locally. This also involved the dedication of Palmerston Memorial Park, featuring the newly installed memorial walls. The guard was provided by the 1st Armoured Regiment, commanded by Lieutenant Colonel Scott Winter. The regiment is to be congratulated on its fine drill and professional turnout on that day.

I had the privilege of reading a message from the Prime Minister expressing our nation's thanks for the efforts of the troops and paying special tribute to Corporal Richard Atkinson and Sapper Jamie Larcombe, who made the supreme sacrifice in Afghanistan. Their family members were present on that day, and I know that the community appreciated their presence. I hope they were reminded from that day of the support they get from a community such as Darwin during this horrific time of grief they are going through. These two 1st Brigade soldiers were killed in Afghanistan while serving with Mentoring Task Force 2, and another eight were wounded.

Thanks to the City of Palmerston for hosting this great occasion and to Mayor Robert McLeod for allocating the space for the memorial park and for acknowledging the millions of dollars the federal government has provided through various grants, which have produced great results for the Palmerston community. In fact, on that day we acknowledged \$4,000 from the Depart-

ment of Veterans' Affairs for the construct of the memorial walls, more than \$2 million for local infrastructure in and around Palmerston, \$70,000 for playground equipment for the Palmerston community and \$62,000 for the upgrade of the memorial park—and I have to say, that wall just tops off the atmosphere generated in that space.

The mayor was persistent in previous months and years in pressuring us and insisting that we gift to the Palmerston City Council a retired Army Leopard tank, which now provides a great focus front and centre in that park. It signifies the close relationship between the city and the military. The memorial park has become a place where all of us in Palmerston can remember our troops—our friends and our fellow community members—who have served our nation, particularly those who have given their lives in the service of our nation. Their names, of course, were the first to be transcribed onto that memorial wall.

Thanks to the Deputy Mayor and master of ceremonies, Geoff Carter CSM, a great friend. Thanks also to Chaplain Michael Quested; the Australian Army Band and the Palmerston City Concert Band; the City of Palmerston elected members and officers; the Australian Navy Cadets; the police from the Palmerston station; St John Ambulance; and the hundreds of members of the Defence Force, the veteran community and the wider community, who were there with their proud family members and friends. They made these events such a special occasion and a special event for that weekend in Darwin and Palmerston.

At a recent memorial service at Robertson Barracks, 1st Brigade Commander Brigadier Gus McLachlan said:

Today will be a very proud day for our soldiers, but it is also a day in which they will reflect on those who did not come home. Our thoughts go out to the families of those soldiers today, and to

all service families who have been touched by war.

One of these families was the family of Private Scott Palmer, and we were honoured by their attendance at the welcome home parades. Scott was one of the Australian commandos killed in a helicopter crash in Afghanistan. His parents laid a wreath at the Palmerston memorial service. Scott grew up in Katherine and is now one of the Territory's greatest home-grown heroes. The fallen are eternally remembered in this place. As the Prime Minister said in her message to the returned troops, 'a grateful nation wishes you a well deserved respite.'

We are extremely proud of our Defence presence in Darwin and Palmerston. We are glad to have the troops back on home soil. The Defence presence is very significant indeed, and recent large-scale exercises and international visits reinforce this fact. The Navy, the Army and the Air Force all have significant establishments in Darwin and Palmerston, including Larrakeyah Barracks, Robertson Barracks, Defence Berrimah and the RAAF Base Darwin. Billions of dollars are spent in the Top End on defence, particularly on defence housing. The permanent live-in accommodation for single soldiers, sailors and airmen at Larrakeyah Barracks will soon be replaced with 230 new apartments onsite, and 97 new houses are underway in a separate \$63.8 million project at Larrakeyah for Defence families. At Robertson Barracks, the 1st Brigade soldiers, many of whom we have just welcomed back, will not be missing out, with 680 apartments being built in the accommodation upgrade. Businesses across the Top End are benefiting significantly from the government's housing plan in Darwin, and these investments in Defence Housing in Darwin will provide more than 900 jobs for Territorians. Over 500 houses in the suburbs of Lyons and Bellamack have been completed, with more

underway in the new and emerging suburbs of Johnston and Muirhead.

I reinforce this government's commitment to point out that Defence is such an integrated and appreciated part of our community and we are investing in improved conditions for single members and families to make their stay in the Territory as comfortable, as enjoyable and as long as possible. Defence contributes more than \$800 million a year to the gross state product in the Northern Territory and stimulates an additional 4,500 non-Defence jobs in local business. Strategically important and valued in our community, our servicemen and servicewomen are integrated and appreciated, and we continue to seek new ways to support our Defence families and members in the Northern Territory.

With me here in the chamber today is Warrant Officer Gary Wight. I will not embarrass him and wish him happy birthday! Warrant Officer Wight has been in the Navy since 1987 and currently proudly serves on HMAS *Darwin*. He is with me in my office this week as part of the Australian Defence Force Parliamentary Program, a program which I wholeheartedly support. I have participated in it a number of times, probably not as successfully as I would have liked. It reinforced to me that I have chosen well in not having a career in the Defence Force. I am clearly the one who would lag behind each and every time—although I was pretty good at peeling three kilos of potatoes when I served on the patrol boat for a couple of days. That part I managed to do quite well.

I want to take this opportunity to reinforce how we value the work and the contribution that these service men and women provide in our community. To our returning troops, I say: welcome home. You are respected and appreciated, and I thank you for your service. As the Prime Minister said in her speech on

that day, your courage, your dedication and your selfless service will not be forgotten. A grateful nation wishes you a well-deserved respite.

Corporate Regulation

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (13:39): I rise today to talk on a most important issue that faces our nation, and that is the issue of people being ripped off by people laundering money, taking people's life savings and leaving them homeless and in dire financial straits. I refer to a story in the *Age* by journalist Adele Ferguson, a courageous journalist who, in my opinion, always speaks the facts. In her story, Ms Ferguson says:

In the summer of 2006, when swimming pool cleaner John Nicoll realised he had lost his life's savings in a get-rich investment scheme gone wrong, thoughts of revenge consumed him.

... ..

"I trusted him," Nicoll says of business man Ian Lazar. He blames Lazar for stripping him of his life choices. ... Nicoll and dozens of investors had placed their trust in Lazar and his seemingly well-credentialled companies.

... ..

BACF—

the BA group of companies—

engaged in managed investment schemes but quickly went on to cost self-funded retirees in Australia at least \$15 million, with many losing their homes, their retirement savings and their marriages.

... ..

The BA companies were put into liquidation in 2005 after complaints from investors and ASIC's investigation found BACF was operating an unregistered managed investment scheme.

... ..

The Nauru government eventually paid out more than \$8.5 million, but investors saw none of it.

Documents filed with ASIC and to creditors reveal that the liquidator, Andrew Wily of Armstrong Wily, took an estimated \$1.6 million in fees between 2005 and September 2008, law firm Nikolaidis & Company was paid \$2.1 million at September 29, 2007, a litigation funder that was set up in a tax haven in Vanuatu with no visible directors was paid \$3.1 million in commission, and \$1 million was paid to a Lazar-related company, HLBC.

Mr Wily was appointed liquidator in 2005. Wily appointed notorious debt collector and former financial adviser to Alan Bond, Jim Byrnes. Some of you may have heard of Jim Byrnes.

Senator Fierravanti-Wells: Yes, I have, Senator Williams.

Senator WILLIAMS: It says in this story, Senator Fierravanti-Wells:

BIG Jim Byrnes (right) has been bankrupt, served time in prison for the deemed supply of heroin, been banned by ASIC from running companies and had a judge accuse him of having a notorious reputation as a standover man and associate of major criminals.

Mr Wily also appointed Sydney lawyer Leon Nikolaidis while Nikolaidis was on bail over allegations of criminal fraud. This article, from the Melbourne *Age* of Saturday, 11 September, also says:

BANNED lawyer Leon Nikolaidis, who was sentenced to jail in 2007 for falsifying documents, was the solicitor of choice in many of liquidator Andrew Wily's cases.

I quote another of Adele Ferguson's stories:

Luring risk-averse investors, with the promise that their investments would be fully secured by mortgages and with plenty of equity, the BA group—

Ian Lazar's group—

failed to provide such security.

Of the investors who were interviewed by BusinessDay, none received the promised securities.

This is another glaring example of how the Australian Investments and Securities Commission—the regulator—can't be relied upon to protect investors, despite numerous complaints. I instigated an inquiry into the liquidating industry and insolvency practitioners two years ago, and the report of that inquiry, from all sides of the parliament, was scathing about ASIC for not doing their job properly. They are the corporate watchdog. It is up to them to see that corporations play by the rules, do the right thing and see that financial products out there in the marketplace are not simply cars without brakes, in which people go down hills, crash into trees and destroy themselves. That is the problem I have with ASIC. I will continue:

For many years, victims of crime have been protected by a charter of victims' rights enshrined in legislation—

this is from Adele Ferguson's story—

so that they are to be informed of the progress of their complaints, likely outcomes and reasons for decisions not to prosecute by police. In the case of ASIC, its policy is not to discuss progress of complaints, not to inform victims of decisions, and not to inform victims whether or not their complaints will be, or are being, acted upon. This policy allows them to hide many deficiencies and leaves victims in limbo.

I have a summary here from David Nicholson in a statutory declaration, sworn on a Bible, of course. David and his wife invested \$100,000 with Ian Lazar, who was promoting risk-free investments secured by real property. Steven Brown of Etienne Lawyers arranged with his client Ian Lazar to take David's money as payment for fees owed in other matters. Mr Nicholson volunteered to go on the committee of inspection in the subsequent liquidation of Lazar's companies. The liquidator appointed by Lazar, firstly, and then later by ASIC was Andrew Wily of armstrongWily in Sydney. Wily enlisted Jim Byrnes to recover debts

owed to the companies. Wily appointed Leon Nikolaidis as a solicitor. At the time Wily appointed him, Nikolaidis was awaiting trial for fraud and was subsequently convicted, jailed and struck off as a solicitor.

Mr Nicholson made several complaints about Wily's conduct to ASIC, with no response. No surprise. Wily appointed a litigation fund that appears not to exist and agreed to pay it \$3.3 million for doing nothing, as it turned out. Wily consumed around \$9 million in his own fees and moneys paid to others. Ordinary creditors and investors got nothing.

It gets worse. I also have a sworn statutory declaration from Kevin Jacobsen OAM, a well-known Australian through the entertainment industry, brother of Col Joye. Kevin Jacobsen was awarded the Order of Australia medal in 1985. He is 77 years old and has been one of the world's top theatrical producers for nearly 40 years. His name will be well known to many Australians. Mr Jacobsen operated the Sydney Entertainment Centre for 26 years and brought many famous entertainers to Australia. Mr Jacobsen had a successful business but needed some assistance with a company dispute over the lease at the entertainment centre. Ian Lazar, whose birth name was Ian Rogut, was introduced by Achilles 'Al' Constantinidis as a trusted business adviser and litigation funder. Al Constantinidis was a partner in the piggery of a former prime minister, Mr Paul Keating.

Since the time that Kevin Jacobsen first met Lazar, which was less than one year ago, he has lost all his businesses and had all his trading companies placed in liquidation. He has had his car stolen by Ian Lazar. Mr Jacobsen told me how he told Mr Lazar that he would like to sell his Lexus. Lazar said, 'Give it to me. I am a licensed dealer. I will get rid of it.' He has not seen the car since or

any money. He said, 'It has just disappeared like flatulence in the wind.' This is what we are facing.

Mr Jacobsen had \$84,000 fraudulently charged to his AMEX card by Mr Lazar. He has lost access to all the funds paid to the Sydney Harbour Foreshore Authority to cover the breaking of the lease. Mr Jacobsen has lost a \$6.1 million sale of rights over a musical because Mr Lazar has placed a false charge over Kevin Jacobsen Pty Ltd, the company involved which is now in liquidation.

Constantinidis also introduced Andrew Wily of armstrongWily to Jacobsen. Within one hour of arriving to meet Jacobsen at the entertainment centre, Wily's staff had emptied all the cash out of the ATMs, and the cash appears not to have been seen again. Wily then charged \$250,000 in fees for six days work. Mr Jacobsen has no knowledge of any work carried out by Wily. Staff of armstrongWily emptied the safe and all the ATMs at the entertainment centre and have never accounted for the cash. Jacobsen says, 'I believe it to be around \$150,000 in cold cash.' Lazar then put in a claim for \$1.2 million against the proceeds of the settlement when no moneys are owed to him.

It gets worse. I will take you to the Webb family. Adam Webb and his family ran a successful company which had been operating for 25 years. They engaged a business adviser for restructuring by the name of John Brickwood who took over running of the company in September 2003. Brickwood's first act was to order staff to stop all payments to the ATO—group tax, company tax and superannuation guarantee levies. This information is all from sworn documents that I have here. These are not my words. Brickwood set about destroying the business and selling off the assets which the Webbs had built over their working lives. In

December 2003 Brickwood told the Webbs he had a company that would provide 18 per cent interest on investment. Adam Webb's mother, father and sister invested \$600,000 of their superannuation funds in this company. All funds were lost.

In March 2005, the company manager provided Adam Webb with a statutory declaration about a conversation on a boat which was jointly owned by Brickwood and—guess who?—liquidator Andrew Wily. Brickwood discussed involving Wily in liquidating a number of Webb's related companies and Wily agreed his fee would be around \$300,000. Brickwood also disclosed he had a relationship with other staff of armstrongWily, such as Tim Gillespie.

In 2004 Brickwood engaged Leon Nikolaidis to act for the Webbs. The same name appears again—the very solicitor who went to jail for fraud. Brickwood did not advise the Webbs that Nikolaidis was awaiting trial for a criminal matter for which he was subsequently convicted, jailed and struck off as a solicitor. Brickwood told Adam and Tony Webb in 2005 that Wily would be a friendly liquidator and would do what Brickwood wanted. After sale of a factory owned by Tony Webb where the purchaser paid \$335,000 in GST, Brickwood placed that money in an unrelated company—Legal Response Pty Ltd—which he controlled. It was supposed to be paid to the tax office as BAS payments and GST. It has never been paid.

When armstrongWily was administering or liquidating Vertex Trading Australia Pty Ltd, Adam Webb told Wily that Brickwood had stolen \$1.5 million from Vertex Trading Pty Ltd and transferred it to his own company, Alternative Business Solutions Pty Ltd. David Hurst from armstrongWily said they could not take any action to get back the stolen money as they were not in charge of

Vertex Trading Pty Ltd. Adam Webb prepared a chart of estimated losses through Brickwood's conduct to the ATO which shows around \$3.5 million has been lost to the Australian Taxation Office. The Webbs lodged formal and written complaints to ASIC, the IPA and the Institute of Chartered Accountants about Wily. They received no assistance from any of these bodies, and that is no surprise to me. Time is against me to continue with other rotten deeds—about Mr Burt, who admitted to taking \$600,000, losing it and saying he would pay it back. But now he just works for DoCS out at Wagga Wagga. I have a letter to table, where he agreed on taking the money, but ASIC says there will be no further investigations on him.

The word has got out that I was going to make this speech. A couple of days ago I got an email from Cambridge Law about me making this speech in the parliament. It states:

If, despite this notice, you elect to make reference to our client in parliament, then we confirm we have instructions to both make formal complaints to the office of the Prime Minister—

who cares—

ICAC—

doesn't cover us—

as well as to a variety of other entities and outlets so that your conduct can be investigated.

That is from Raed Rahal, Cambridge Law, who have offices in Sydney, Dubai, Damascus and Baghdad. Mr Raed Rahal, my message to you is: I do not give a rodent's backside what you think and I will say what I want in this place when it comes to highlighting white collar crime and the destruction of people's lives.

I could go on with many of these things but I will say this: I look forward to talking to the Federal Police this afternoon to give them this file of documents. It is time this

country had a royal commission into white collar crime. I believe it is systematic, it is growing and innocent people are losing their livelihoods from crooks. I seek leave to table these affidavits and those Adele Ferguson documents and to incorporate them in *Hansard*.

Leave granted.

The documents are available from the Senate Table Office.

Senator WILLIAMS: Thank you, Mr Acting Deputy President. You will hear more about this in the future.

Micah: Water, Sanitation and Hygiene Program

Senator MOORE (Queensland) (13:54): Mr Acting Deputy President, in the short time available I wanted to make some comments about the recent visit to this place by the Micah team. Micah, as you know, come here regularly to remind parliamentarians about the importance of poverty in our world and to keep us on track in looking at the issues of the Millennium Development Goals. The theme of this particular visit—they come with a theme each time—is 'WASHing Away Poverty'. Micah have produced another marvellous document, which I really hope people will take and read, which looks at the important issues of water, sanitation and hygiene and how they affect communities. This is focused on millennium development goal No. 7. I know everyone in this place knows all of the Millennium Development Goals and to what they refer.

The Water, Sanitation and Hygiene program, referred to as the WASH program, looks at how water and sanitation operate and how we need to fund these areas in developing countries. The scary statistics show that globally there are about 2.6 billion people living without access to basic sanitation and 884 million people living without access to safe drinking water. The

consequences are extremely serious. The World Health Organisation estimates that providing access to WASH could prevent 28 per cent of child deaths or, in other words, save the lives of more than two million children every year. While children may be the most affected by inadequate WASH, the diagrams provided in this document show how the issues of water—something we take for granted in this country—can impact on all the other elements which are counted towards poverty in this world.

We have a clear commitment to this process. One of the things that the United Nations General Assembly said when they were looking at the Millennium Development Goals was:

Safe and clean drinking water and sanitation is a human right essential to the full enjoyment of life and all other human rights.

Strong words. I think in our country we have become almost inured to the idea that water and sanitation are available. But that is not the case overseas. That is one of the things that, through the Millennium Development Goals, we are examining and looking at progress—and there have been good news stories. Certainly we should celebrate those as well as looking at where we can do better.

I was really fortunate earlier this year to go to several countries in Africa through the Joint Foreign Affairs, Defence and Trade delegation. Senator Mark Bishop and Senator Russell Trood, who was with us in the last term, were on that trip as well. We were amazed at the amount of work that AusAID was doing on the issues of water and sanitation in a number of countries. We went to visit areas in Zimbabwe, in Harare, in areas that were looking at developing good plumbing and basic amenities in the region. Not only was AusAID working with local people in putting the plumbing together—and perhaps I have too close a view of being in that place—they were

involved with local theatre groups, so there were education programs funded by AusAID which gave, in theatre, information to the community about how sanitation operates. I truly believe that theatre and engagement in that way is better than every speech that has ever been made. We could see how the kids in the area were learning about good sanitation and cleanliness programs by being engaged with people who were entertaining. That is part of the AusAID program. That is where the people who came to see us through Micah were saying, 'Yes, we have been doing well, but we need to do more,' and there is a claim that we should look at greater expenditure through AusAID, and that needs to be considered.

I know that Micah met with AusAID and also the minister's office to talk about a number of things, including how money can best be spent. One issue is the need to separate the issues of clean water and the issues of sanitation. Everybody knows about the need for clean water and there have been great successes. But as Bob McMullan put it—I remember Bob making this comment—while people are really keen to be around good news stories about clean water, perhaps they are not as keen to be photographed beside toilets.

That was proven wrong yesterday when a whole range of parliamentarians from both houses were very keen to be photographed in various positions around a very large toilet. I have to admit I was not brave enough to climb up on top, as we saw Mr Oakeshott and others do. But by putting the focus there, the issue of having effective sanitation is an important aspect for all of us, and through our aid program we can move to do better.

The message from Micah is that we cannot forget our responsibilities. When you see the joy that effective clean water services and sanitation can bring to kids at school and

to communities, that is a message for all of us. I say to the Micah team: keep coming and putting us on track and showing us where we have done well; but, more importantly, keep showing us what we can do better.

QUESTIONS WITHOUT NOTICE

Carbon Pricing

Senator BIRMINGHAM (South Australia) (14:00): My question is to the Minister representing the Treasurer and the Minister representing the Minister for Climate Change and Energy Efficiency, Senator Wong. Does the minister accept that it was utterly contemptuous for the government to last week task a committee with reviewing the merits of their carbon tax legislation and on Sunday start selectively quoting from updated Treasury modelling into the impact of this carbon tax but only release the modelling minutes before the committee was due to start questioning Treasury officials about it this morning? How can the government claim to want a thorough and considered scrutiny of its proposals when it treats a committee that it established and that it set the hearing dates for with such complete contempt?

The PRESIDENT: I call the Minister representing the Treasurer and Minister representing the Minister for Climate Change and Energy Efficiency.

Senator Brandis: You should be ashamed of yourself. You are a disgrace. I thought you were better than that. You have lost the respect of the chamber.

Senator Cameron: What's this pompous git on about? How can you put up with the pomposity?

The PRESIDENT: Just resume your seat, Senator Wong.

Honourable senators interjecting—

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

Senator WONG: If I may say, what is utterly contemptuous in this debate is the continued reliance on falsehoods from those opposite in relation to the impact of pricing carbon. What is contemptuous is the lack of regard for the science and the lack of regard for the truth that has been demonstrated in, and is central to, the fear campaign engaged in by those opposite. What is utterly contemptuous is the man who wants to be the Prime Minister of this country going out to different sites to get a good camera shot and telling—

Honourable senators interjecting—

The PRESIDENT: Senator Wong, just resume your seat. If people wish to have a debate they can go outside at this stage of the afternoon, because 3 pm is the time—

Senator Bernardi interjecting—

The PRESIDENT: Senator Bernardi! It is you that I am referring to. A lot of your colleagues are surprised at that but I can assure them that it is you, Senator Bernardi. Senator Wong, please continue.

Senator WONG: What is utterly contemptuous is telling people who work in the coal industry that pricing carbon will mean the death of the coal industry when you know that is not true.

Senator Brandis: If you believe in nothing I suppose you've got to lie through your teeth.

The PRESIDENT: Senator Brandis, you will need to withdraw.

Senator Chris Evans: Mr President, Senator Brandis made a clearly unparliamentary and, quite frankly, really inappropriate remark, and I think he ought to stand and withdraw it.

Senator Brandis: Mr President, I withdraw if required to do so by you.

The PRESIDENT: No, it has to be under—

Senator Brandis: I was not referring to a particular individual. I did not understand that the standing orders applied to generic remarks; nevertheless, I withdraw.

The PRESIDENT: Thank you.

Senator WONG: In relation to the modelling, as the senator would know if he has read it, it shows almost no difference from the modelling that was previously released. It shows that the economy continues to grow. It shows that jobs continue to grow. It shows that incomes continue to grow and that domestic emissions will fall to nearly half of what they would be without carbon pricing in 2050. These are all findings that I am sure the opposition will continue to ignore.

In relation to the committee, obviously I am not a member of the committee, but I am advised that the committee is reconvening on Monday for the purpose of enabling senators and members to ask the questions they think are appropriate. *(Time expired)*

Honourable senators interjecting—

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

Senator BIRMINGHAM (South Australia) (14:05): Mr President, I ask a supplementary question. Speaking of falsehoods, I refer the minister to this updated modelling and the assumption and all the modelled scenarios within it that 'Australia introduces a domestic carbon price in a world where other countries also act to mitigate climate change'. Does the government believe that other countries, particularly the United States and China, have policies in place that will ensure they comply with this assumption? If not, how quickly will they have such policies in place?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:05): As I have previously gone through

on many occasions in this place, other countries are acting to mitigate climate change, other countries are acting to deal with the continued growth of emissions. There was a time when there were people on the other side, John Howard, Malcolm Turnbull—

Honourable senators interjecting—

The PRESIDENT: Senator Wong, resume your seat. If people are wishing to have a chat across the chamber, which is disorderly, I am entitled to hear the answer.

Senator WONG: There was a time when there were sensible people on the other side of parliament—Malcolm Turnbull, and even former Prime Minister Howard—who understood the importance of a sensible approach to tackling climate change. There was a time when the senator who in high dudgeon is questioning me came into this chamber and argued to support the Carbon Pollution Reduction Scheme. So anybody listening would know that the reason those opposite are continuing on this campaign is that all they want to deal with when it comes to climate change is a fear campaign.

Senator BIRMINGHAM (South Australia) (14:07): Mr President, I ask a further supplementary question. In the four scenarios modelled by the government, why has the government not modelled at least one scenario where other countries do not meet the government's optimistic outlook for international action? Given that President Obama recently shelved a tightening of smog standards which would have lowered emissions, isn't it the case that not only are other countries backtracking on pricing emissions but they also backtracking on reducing emissions? Isn't Labor's policy just leaving Australia like a shag on a rock?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:08): One would have thought that was

actually a question from Senator Bernardi, not Senator Birmingham. No matter how hard Senator Birmingham tries to be a dry, they will remember that you were a Turnbull supporter, and it does not matter how many times you come in here—

The PRESIDENT: Senator Wong, come to the question.

Senator Ian Macdonald: Mr President, I raise a point of order. Thank you for bringing the minister to order before I have raised the point, but I continue the point that this minister is a serial offender. Every question she is asked, because she cannot answer it, she attacks the questioner or gives a commentary on the questioner and other people from this side. Can you bring her to order permanently, not just for this question?

The PRESIDENT: That is not a point of order. I had drawn the minister's attention to come back to the question that has been asked. The minister has 42 seconds remaining.

Senator WONG: As I previously said in this place, countries representing some 90 per cent of the global economy have pledged to reduce or limit their carbon pollution by 2020.

Opposition senators interjecting—

Senator WONG: It is interesting, isn't it? We get a whole bunch of interjections. They do not want the facts in this debate. They want a scare campaign. You do not want the facts because they do not suit the fear campaign, they do not suit your agenda. No doubt Senator Macdonald will take another point of order when I point out the truth—

Honourable senators interjecting—

The PRESIDENT: Order! Senator Wong, please resume your seat. When there is silence, we can continue.

Senator WONG: The fact is that the world is acting. The fact is that the countries

that act to ensure they can exploit the clean energy opportunities in the years to come will be the competitive economies in the future. *(Time expired)*

Economy

Senator STERLE (Western Australia) (14:10): My question is to the Minister for Finance and Deregulation, Senator Wong. Can the minister update the Senate on the outlook for the global economy? In particular, how does the outlook for the Australian economy compare to the outlook for the global economy generally?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:11): I am pleased to advise the Senate that the IMF's recent *World Economic Outlook* confirms that Australia's economic outlook remains positive, underpinned by our strong fundamentals. It confirms that the Australian economy is expected to grow faster than all major advanced economies next year despite increased global instability. The IMF has issued a stark warning about the outlook for the global economy, something we should all be mindful of, because global activity has weakened and downside risks are intensifying. Despite this, the IMF has given a ringing endorsement of the Australian economy—an economy that can look forward to faster growth than any other major advanced economy, an economy located in the part of the world which is growing, an economy with relatively low unemployment, an economy where we have seen 730,000 jobs created since Labor came to government, an economy with strong public finances, an economy with a \$430 billion investment pipeline coming into our economy and a clear plan to return to surplus in 2012-13. This is a resounding endorsement of the economic management of this government.

Honourable senators interjecting—

The PRESIDENT: Senator Wong, resume your seat. When there is silence on both sides we will proceed. Senator Wong.

Senator WONG: This is a strong endorsement of the economic management of this government and the resilience of Australians, the resilience and hard work of the Australian people. This is a government which has taken the approach of focusing on supporting our economy and jobs during a time of crisis and ensuring that in years to come all Australians benefit from the economy's strength. This stands in stark contrast to the negativity of those opposite, who have done nothing but seek to talk down the economy. *(Time expired)*

Senator STERLE (Western Australia) (14:13): Mr President, I ask a supplementary question. Can the minister outline for the Senate the importance of a strong fiscal strategy to Australia's economic performance?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:13): In addition to its endorsement of the Australian economy, the IMF also praises the government's fiscal strategy, saying that the planned return to surplus is welcome and commenting on the fact that we will deliver the fastest fiscal consolidation since the 1960s. I would remind those opposite that this government is doing that while keeping tax, as a proportion of GDP, well below that which we inherited, well below that which Peter Costello bequeathed to us.

In addition to the IMF's endorsement, senators will no doubt be aware of the endorsement—

Honourable senators interjecting—

The PRESIDENT: Order! Senator Wong, resume your seat. There is 45 minutes to go until the time when you can take note of answers.

Senator WONG: Senators will no doubt be aware of the endorsement of the Treasurer in the recent *Euromoney* magazine, an award that I will say this about—

Opposition senators interjecting—

The PRESIDENT: Order! Individuals are enjoying the discussion but that is something for outside, or, if people want to debate the issue, post 3 pm.

Senator WONG: This is an award for Australia and tribute should be paid not just to the Treasurer but— *(Time expired)*

Senator STERLE (Western Australia) (14:16): Mr President, I ask a supplementary question. I thank the minister. Can the minister outline for the Senate any challenges to maintaining the government's strong fiscal strategy, and has the government minister taken any steps to minimise these risks?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:16): If I can just finish the sentence I was part-way through. This award is for Australia. It is a tribute to the hard work of many millions of Australian businesses and working families, who have worked so hard to make our economy one of the strongest in the developed world, which is something those opposite just cannot bear.

I am asked by Senator Sterle about risks for the government's fiscal strategy. The risk for the strong fiscal performance of Australia is the recklessness of those opposite. The party of a \$70 billion black hole. A party that has never once in opposition got its costings right. Not once under Mr Abbott and his economic team have you got your costings right. How extraordinarily embarrassing for you. *(Time expired)*

Carbon Pricing

Senator CORMANN (Western Australia) (14:18): My question is to the Minister representing the Minister for Climate Change

and Energy Efficiency, Senator Wong. Given the revelations today that even the new headquarters for the Department of Climate Change and Energy Efficiency will use cheaper but more emissions-intensive Chinese aluminium, what chance will Australian manufacturers have to compete against cheaper but more emissions-intensive imports once Labor's carbon tax has pushed up the cost of production in Australia even further and made more environmental friendly Australian products less competitive?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:18): Perhaps it might be useful if I provided the Senate with some facts about this matter. The Department of Climate Change and Energy Efficiency has not commissioned a new building. The department has signed an agreement to relocate to a new building development in Canberra to meet the department's need for office space. As a tenant the department does not have input into the awarding of contracts for the base building, which would be a matter for the developer. The department is a tenant and not the developer of the building, and obviously the developer makes its decisions about the contracts that are awarded.

There is a range of assertions, but I would make this point: as Senator Carr has previously outlined to the chamber, this government has a very strong record of providing support for Australian industry. It was Labor that introduced requirements for Australian Industry Participation Plans to be developed by companies bidding for major government procurements. Since January 2010 an approved Australian Industry Participation Plan has been required from companies bidding for major Australian government contracts. These plans outline how Australian industry would be given opportunities to supply goods and services. We have seen in the last 18 months approxi-

mately \$2.5 billion worth of announced contracts that have required Australian Industry Participation Plans. The government has also tightened requirements for firms accessing the Enhanced Project By-Law Scheme. Under this program eligible public and private project proponents must submit and implement a similar plan—an Australian Industry Participation Plan—if they wish to access duty concessions for imported goods not available in Australia. (*Time expired*)

Senator CORMANN (Western Australia) (14:21): Mr President, I ask a supplementary question. Doesn't this decision by the climate change department's landlord prove beyond doubt that a carbon tax that imposes a cost on Australian manufacturers that is not faced by manufacturers in China and other places around the world will just make Australian manufacturers less competitive and shift emissions overseas? How is that effective action on climate change?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:21): The government's legislation and Clean Energy Future package are effective action on climate change for the same reasons that John Howard's promise to price carbon—

Senator Brandis: Mr Howard to you. He was a serious Prime Minister.

Senator WONG: And you call me precious, Senator Brandis.

Honourable senators interjecting—

The PRESIDENT: Order, on both sides!

Senator WONG: One thing I would say about Mr Howard is that he did not ever have an economic team that presented a \$70 billion black hole, which is what you are presenting. So if Senator Brandis wants to defend John Howard, perhaps he should start to look at his own team. I also make the point that, as the Treasury's modelling

shows, we can price carbon, grow our economy, increase jobs, increase our incomes and reduce emissions; unlike the opposition's policy, which will double the cost for Australian business to achieve the same outcome. *(Time expired)*

Senator CORMANN (Western Australia) (14:23): Mr President, I ask a further supplementary question. Given emissions from aluminium production in China are 50 per cent higher than emissions from producing aluminium in Australia, is it not true that a carbon tax which makes Australian manufacturers less competitive will actually cause an increase in global emissions when this is supposed to be about reducing global emissions? Why is the government so intent on forcing Australians to make significant sacrifices through higher costs of living and fewer jobs when its carbon tax will end up increasing global emissions instead of reducing them?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:23): There are a range of assumptions in that question with which the government does not agree. There is a proposition in which the Liberal Party used to believe but no longer do, which is if you want to reduce emissions you should do so at the lowest cost. We are doing so at the lowest cost. We are pricing carbon and we are utilising a market mechanism. That is the sensible economic policy. We are also supporting jobs through the transition by a very substantial jobs and competitiveness program, to assist industries, including aluminium, which will be provided with assistance. I would make this point. Those opposite appear to be saying that we should not impose a cost. They will impose a great cost. They have the same environmental objective and the Australian Treasury has made clear—these are the people who want the modelling—that

you will double the cost to Australian business. *(Time expired)*

Environment

Senator WRIGHT (South Australia) (14:24): My question is to the Minister for Agriculture, Fisheries and Forestry, Senator Ludwig. My question is about dolphin and sea lion deaths in Commonwealth waters off South Australia. I refer the minister to a 2010 report by the South Australian Research and Development Institute, SARDI, *Mitigating seal interactions in the southern rock lobster fishery and the gillnet sector of the southern and eastern scalefish and shark fishery in South Australia*. An estimated 256 sea lions are killed each year within these fisheries. The Humane Society International, the Whale and Dolphin Conservation Society, the Conservation Council of South Australia, the Wilderness Society and the Australian Marine Conservation Society have all called for an immediate ban on the use of gillnets in these fisheries to prevent these deaths and to support the ecology and tourism industries in areas such as the sea lion colonies of Kangaroo Island. Will the government consider such a ban?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (14:26): I think Senator Wright for her question. I am aware of the Humane Society International and four other conservation groups which are calling for immediate cessation of gillnets in the southern and eastern scalefish and shark fishery in Commonwealth waters. Australia has some of the best managed fisheries in the world. The Gillard government is committed to ensuring the long-term protection of biodiversity in the marine environment. Interaction with which protected marine

species in all fishery sectors are taken seriously by this government. The Australian Fisheries and Management Authority, AFMA, has initiated new arrangements to better protect and monitor Australian sea lions, dolphins, seabirds and nontargeted shark species.

Turning specifically to sea lions, AFMA implemented the Australian Sea Lion Management Strategy on 1 July 2010 to reduce the risk of and improve the level of information about sea lion interaction in the gillnet hook and trap fishery. Advice on the implementation of the strategy is provided by a working group which comprises marine mammal experts and environment and fishing industry representatives. The strategy was strengthened in May 2011 to provide enhanced protection for sea lions and other threatened endangered and protected species. The strategy now includes significant area closures around each of the 48 colonies in South Australia totalling 18,500 square kilometres, a requirement that all boats fishing within the sea lion area are always independently monitored through either a camera system or an on-board scientific observer, regular reviews to assess the effectiveness of the strategy and closure of large areas of the fishery if predetermined levels of female sea lion mortalities are reached. *(Time expired)*

Senator WRIGHT (South Australia) (14:28): Mr President, I ask a supplementary question. The five conservation groups I mentioned are concerned that the Australian Fisheries Management Authority seems unwilling to share clear information about the number of dolphin deaths—13 dolphins apparently within the first three months of this year—and they are concerned that the failure to provide that information means that the scientific expertise is not necessarily available to adequately protect those

creatures as well. Does the government have a response to 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) (14:28): Specifically turning to dolphins, the government is aware of reports concerning dolphin mortalities in the gillnet fisheries. AFMA is taking steps to manage any impacts of fishing in accordance with its legislative objectives on marine mammals including dolphins. AFMA wrote to gillnet hook and trap fishery concession holders in March 2011 reminding them of their obligations to report—

Honourable senators interjecting—

The PRESIDENT: Order! There is too much noise in the chamber.

Senator LUDWIG: In providing more information to Senator Wright and to those who are studying and conserving dolphins, AFMA wrote to the gillnet hook and trap fishery concession holders in March 2011 to remind them of their obligations and to report interactions with threatened, endangered and protected species. *(Time expired)*

Senator WRIGHT (South Australia) (14:29): Mr President, I have a further supplementary question. Returning to the sea lions, given that the federal environment minister gave fisheries managers and the industry until 30 June 2010 to implement measures, including voluntary closure of fisheries, to enable the recovery of all Australian sea lion subpopulations, what measures to protect these animals, which are protected under the Environment Protection and Biodiversity Conservation Act, have been made to date? Are the measures in line with the best available scientific advice?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (14:30): I thank Senator Wright for her second supplementary question. As I said in my primary answer to the question, I have outlined the strengthening of the strategy from 1 May 2011. In addition this strategy recognises that breeding females are the most important part of the population in terms of population growth. AFMA is reviewing the acceptable mortality levels for each colony given their varying size and status. AFMA remains proactive in ensuring and maintaining this species. And to ensure appropriate protection of sea lions, AFMA is also reviewing interaction thresholds in the fishery that would see access closed to gillnet fishers if predetermined levels were met. Since the start of the strategy in mid-2010 there have been three reported Australian sea lion mortalities. AFMA continues to work with marine mammal experts, other scientists, fisheries and, of course, environmental experts and industries to ensure that the Australian sea lions are properly protected. *(Time expired)*

Asylum Seekers

Senator CASH (Western Australia) (14:31): My question is to the Minister representing the Minister for Immigration and Citizenship, Senator Carr. I refer the minister yet again to the statement by the Prime Minister on 8 July 2010 when she said, 'I would rule out anywhere that is not a signatory to the refugee convention.' Given that Nauru, unlike Malaysia, is a country that has signed the UN Convention on Refugees and is ready, willing and able to reopen the Australian-built offshore processing centre immediately, why won't the government swallow its ill-fated pride and pick up the phone to the President of Nauru and restart

offshore processing, as it consistently says it wants to, immediately?

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (14:32): What we can say is that the government has made it perfectly clear that it is the view of the government that Malaysia will succeed and Nauru will fail. What we have is a proposition that the shadow minister for immigration has previously said—on 21 June this year, for instance—that the question of being a signatory to the convention is, in fact, irrelevant. What he said was that 'it was never our issue as to whether there was a signatory to the refugee convention'. What we do also know is that the UNHCR has indicated that the agreement with Malaysia has the potential to enhance the protection for refugees in Malaysia as well as the region as a whole. What we do have, of course, is in contrast to—

Honourable senators interjecting—

The PRESIDENT: Order! Senator Carr, you might resume your seat until there is silence. Senators, I have asked Senator Carr to resume his seat until there is silence. When three o'clock comes both sides can debate this.

Senator CARR: What we do know is that the UNHCR has indicated that, in regard to Nauru, the UNHCR was not involved and has in fact distanced itself from any role in overseeing or managing the processing facilities on Nauru under the Pacific solution, and that recent media reports indicating that the centre on Nauru was approved by and run under its auspices 'are factually incorrect'—and I am quoting the UNHCR spokesperson in the *Age* of 9 June 2011. What we do know is that the Nauru proposition, as is outlined by the opposition, will not in any way assist Australia. What we saw was that the persons that ended up in Nauru actually ended up in Australia—

Honourable senators interjecting—

The PRESIDENT: Senator Carr, resume your seat. Order on both sides! I remind both sides that the time for debating this is in 25 minutes. When there is silence we will proceed.

Senator CARR: What we can say with certainty is that the people-smugglers will be able to sell a ticket—(*Time expired*)

Senator CASH (Western Australia) (14:36): Mr President, I ask a supplementary question. I refer the minister to the statement by former Western Australian Labor Premier Geoff Gallop last Friday when he said, 'I'd be talking to the Liberals about getting Nauru to work; I think that is the only sustainable position'. If a respected former Labor Premier, along with many members of the Labor caucus, admits that the coalition's Nauru option is the only sustainable position to recommence offshore processing, why doesn't the government accept its own colleagues' advice?

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (14:37): What we can say with certainty is that 95 per cent of the people who were resettled from Nauru ended up in Australia or New Zealand and that the Nauru option was not ever likely to succeed. We also know, especially now, given the circumstances that have arisen and given the historical experience of Nauru, that it is not likely to succeed in the future. Nauru is a model which the government has rejected, and we believe firmly in the proposition that the government has advanced that Malaysia is a successful proposition. That is clearly why the opposition is so strenuous in its opposition to it. Nauru is about providing a ticket to Australia. It does not act as a disincentive for the people smugglers who are selling that ticket on the international market.

Honourable senators interjecting—

The PRESIDENT: I will give Senator Cash the call when there is silence. Senator Cash, you are quite correct in waiting. I will give you the call if it is done properly and within the sequence of the questions.

Senator Cameron interjecting—

Senator Cash: Would you like a death stare?

Government senators interjecting—

The PRESIDENT: Order!

Senator CASH (Western Australia) (14:39): Mr President, I ask a further supplementary question. Does the minister agree with his senate colleague Senator Cameron when he said that the government's proposed amendments to the Migration Act breach Australia's international obligations and questioned whether the plan would even work? Why has the minister come adrift from his own moral moorings and why is he intent on supporting a policy that exposes innocent people to human rights violations? When will the minister ever live down his shame?

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (14:40): Your suggestion that Minister Bowen has lost his moral moorings, from a party whose idea of moorings is to send boats back out to sea, is beyond any possible imagination of moral compass. What we have is a party that is firmly committed to putting people back into harm's way by sending boats back out to sea. How can you possibly claim that you have got an interest in human rights? Your policy on Nauru saw the gross abuse of people on that island and saw enormous pain being inflicted on people on that island—a country that had not signed up to the UN conventions and had no interest in the UN conventions until very recently. Your interest in human rights is very short

lived and very recent. It is not going to be a position that we will take any notice of coming from the likes of— *(Time expired)*

Economy

Senator CAMERON (New South Wales) (14:41): Having survived the death stare unscathed, I have a question for the Minister for Small Business, Senator Sherry. In light of the IMF's latest *World economic outlook* and its stark warnings, can the minister outline to the Senate how Australia is placed to withstand a possible second global recession? What policies and measures does the government have in place to help Australia again avoid a recession should the worst happen?

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (14:42): Four days ago it was the third anniversary of the collapse of Lehman Brothers—that was the real death stare. Our decisive and strong actions to introduce stimulus measures protected the Australian economy—

Opposition senators interjecting—

The PRESIDENT: Senator Sherry, resume your seat. Order! When there is silence we will proceed.

Senator Fifield interjecting—

Senator Conroy interjecting—

The PRESIDENT: Senators Fifield and Conroy, I am waiting to give the minister the call. The minister.

Senator SHERRY: Our rapid and decisive stimulus measures protected the Australian economy from the worst effects of the global financial crisis, and we avoided recession.

Senator Abetz interjecting—

Senator SHERRY: I well remember—Senator Abetz is interjecting—the predictions of those on the other side, who opposed our stimulus measures. Mr Abbott, the opposition leader, predicted we could not protect the Australian economy from recession. Mr Hockey, the so-called shadow Treasurer—he would win an award for the worst shadow Treasurer in the world—predicted a million unemployed. That is what you predicted, and that is what we prevented. We prevented a million unemployed, and we kept this economy sheltered and protected by our effective stimulus measures.

Unfortunately, the IMF has pointed out that the world economy is again on the brink and, obviously, we are not immune from those impacts. The IMF's forecasts confirm that despite the Australian economy being strong—we do have strong fundamentals—we will be impacted by events occurring in North America and Europe

But we are better placed than any other advanced economy. We have an unemployment rate that is half that of the United States and Europe.

Opposition senators interjecting—

The PRESIDENT: Order! Senator Sherry, just resume your seat. I need silence so that I can hear the answer.

Senator SHERRY: We have an unemployment rate that is half that of other advanced economies. We have a significant pipeline of mining investment—some \$430 billion—with a mining tax that the opposition have pledged not only to oppose but to reverse. They will reverse \$11 billion in tax that the mining industry wants to pay. *(Time expired)*

Senator CAMERON (New South Wales) (14:45): Mr President, I ask a supplementary question. Can the minister outline how the government will help protect the jobs of

Australians in the event of another world economic downturn?

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (14:45): One of the great strengths of the Australian economy is our superannuation savings pool, which again, I would remind people here, the Liberal-National Party opposed. They opposed the creation of a \$1.4 billion superannuation savings pool.

A government senator: Shame!

Senator SHERRY: It is a shame, and they are still on that course because they are going to reverse the mining tax and increase the contributions tax on Australians as a consequence.

Senator Abetz interjecting—

Senator SHERRY: You should check out Mr Hockey's statements on Sunday, Senator Abetz. The Liberal Party is going to reverse the mining tax and, as a consequence, it will have to increase the contributions tax on superannuation and it will have to increase taxes on small business. We heard dire predictions. I recall the debate. We were going to have mass unemployment. The economy would be flooded when compulsory superannuation was introduced. And what happened? It made the economy strong. And who opposed it? The Liberal Party. *(Time expired)*

Senator CAMERON (New South Wales) (14:47): Mr President, I ask a further supplementary question. Is the minister aware of any dangers on the horizon for the Australian economy and for the Gillard government's responsible policies to create jobs for all Australians?

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (14:47): The shadow Treasurer, Mr Hockey, has confessed that they have a \$70 billion black hole.

Senator Cormann: No, he hasn't. That's not true.

Senator SHERRY: Well, Mr Hockey has confessed. That is what they have to find. They have to find \$70 billion. Fortunately, due to this Labor government and their effective economic management, we have—and the IMF acknowledged this—one of the lowest levels of government debt amongst all advanced economies. But to add to the problems, to add to the risk to the Australian economy, the Liberal-National Party have pledged to reverse the carbon tax. But as a consequence they are going to have to reduce age pensions. They are going to have to increase income taxes. If they ever get the chance and they want to give that \$11 million in mining tax back to the mining companies, which actually want to pay, they are going to have to increase the contributions tax on superannuation of \$3½ million. *(Time expired)*

Carbon Pricing

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (14:48): My question is to the Minister representing the Minister for Climate Change and Energy Efficiency, Senator Wong. I refer the minister to the detailed unemployment data released by the Australian Bureau of Statistics last Thursday which showed that the unemployment rate in regional Australia is six per cent while the unemployment rate in capital cities is 5.1 per cent. Given that the economic modelling confirms that a carbon tax will hit regional Australia the hardest, can the minister provide the name of one

person with a green job in regional Australia?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:50): First, in relation to unemployment, I assume that the senator would acknowledge the relatively low unemployment we have in Australia. I would hope he would acknowledge that it is in great part due to the actions taken by this government, opposed by those opposite, to stave off a recession—action which was opposed by those opposite and which ensured that some 200,000 Australians who would have been on the dole queues are not but are in work. This government have created 730,000 jobs since we came to government, the effect of which can be seen by looking at where the American unemployment rate is and where ours is. We entered the global financial crisis with around the same rate of unemployment; we have exited this period with an unemployment rate with a five in front of it, as opposed to a nine. In relation to the impact, essentially I think the question comes down to the impact on jobs in—

Senator Joyce: Mr President, I rise on a point of order on relevance. There was only one question: can the minister provide the name of one person with a green job in regional Australia? That is all she has to do. It could take precisely five seconds.

Senator Ludwig: Mr President, on the point of order: again, all we see from the opposition is an opportunity to restate the question. The minister is answering the question and she is being directly relevant to the question, but again we see the second tier, where they simply suggest what the answer is in the question. The minister is answering the question.

The PRESIDENT: Order! I am listening closely to the minister's response. The

minister has 50 seconds remaining and she should be addressing the question.

Senator WONG: I would make the point, Mr President, that there are a number of programs under the clean energy package including, for example, the carbon farming package, the coal sectors job package and the \$9.2 billion jobs and competitiveness program, which will support employment and new jobs across the economy. I would also make the point that there are, as Senator Joyce would probably be aware, a great many renewable energy projects which actually are—

Opposition senators interjecting—

Senator WONG: How could that not be relevant?

Senator Conroy: He's up again. He's a clown!

Senator Joyce: Mr President, on a point of order that is absolutely one of relevance. I know that Senator Conroy is embarrassed by the fact that they cannot answer the question, but we just want the name of one person with a green job: Bill Smith, Pam Jones, Penny Wong, I do not know, someone out there who has got one of these jobs.

The PRESIDENT: There is no point of order.

Senator WONG: I was making the point that there are a great many renewal projects which are in fact situated in regional Australia—the geothermal projects in my home state of South Australia being one example. They are not in the CBD; they are in northern South Australia. *(Time expired)*

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (14:53): Obviously, the minister has not got a clue—not one person could she mention. Mr President, I ask a supplementary question of the person who is unable to name one person with a job, the Minister for Finance and

Deregulation. I refer the minister to the modelling of a carbon tax conducted by—

Senator Carr: How many village idiots does it take to make up the National Party?

Senator JOYCE: What is that noise? Is that a door mat?

The PRESIDENT: Senator Joyce, resume your seat. On my right! When there is order we will proceed. This is not a time for debating, on either side of the chamber.

Senator JOYCE: Given that the modelling confirms the regional areas of Mackay, Rockhampton and Gladstone will be the hardest hit by the carbon tax, how can a government elected on a promise to deliver for regional Australia continue to support a policy— *(Time expired)*

Senator Ian Macdonald: Mr President, in fairness you must allow Senator Joyce to finish his question. He was interrupted by interjections from the other side which, on this occasion, you did not pull into line. I could not even hear Senator Joyce, and I am sitting very close to him. I ask that you allow him to finish his question.

The PRESIDENT: He had 30 seconds in which to ask his question. Some of that time he used for a preface to the question, which is not in order. I did not pull Senator Joyce up on that. The question has been asked. It is now up to the minister to answer the question.

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:56): Thank you, Mr President. First, in relation to regional jobs I again make the point as to where a number of renewable energy projects are situated. Those would include the Macarthur Wind Farm, which will create 900 jobs during construction, the Woodlawn Wind Farm in New South Wales, 150 jobs during construction, and the solar farm in New South Wales that will create

another 50 jobs. I would also make the point that the Carbon Farming Initiative, which, as I recall, was opposed by those opposite, does include a substantial investment in regional Australia, including \$33.6 million to establish regional Landcare facilitated positions in each of the NRM regions which, I am advised by my colleague, is in the process of being implemented. I would make this point: Senator Joyce fails to understand the importance of moving this economy to clean energy— *(Time expired)*

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (14:51): Mr President, I ask a further supplementary question. Can the minister explain how the government can determine the impact of the carbon tax on regional Australia, when it has released no modelling of the impact of the carbon tax on regional Australia? When will the government come clean with regional Australia and release the detailed modelling of the impact of the carbon tax on towns such as Rockhampton, held by Kirsten Livermore, Mackay, Gladstone and the Hunter Valley?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:57): First, we have released modelling across the whole of the economy which shows that if the economy grows, jobs grow, incomes grow and emissions fall. It was done by the Australian Treasury, the people who used to advise Mr Costello. That is the modelling the government has released.

Senator Joyce: Did the minister just say that in her modelling emissions fall?

The PRESIDENT: That is not a point of order; it is a point of debate which you can take up in taking note of answers after three o'clock.

Senator WONG: If the senator wants to look at the commitment of this government to regional Australia I would invite him to

consider the budget that was handed down earlier this year. We consolidated the programs of expenditure in regional Australia into a single document—a budget book. It shows that this government is delivering more for regional Australia than Senator Joyce was ever able to gain from a coalition government: more in health, more in education and more in infrastructure.

Disability Enterprises

Senator XENOPHON (South Australia) (14:58): My question is to the Minister representing the Minister for Families, Housing, Community Services and Indigenous Affairs, Senator Arbib. Last week the Federal Court ruled that the Business Service Wage Assessment Tool, which is used by Australian Disability Enterprises that are funded by the federal government to set the wages of intellectually disabled workers, does not breach anti-discrimination laws. This is despite the fact that the BSWAT tests disabled workers only of their knowledge of workplace health and safety practices, not how well they do their jobs. Further, other employers of disabled workers use a different test, which also considers disabled workers' productivity and therefore results in higher wage rates. Does the government think it reasonable and truly non-discriminatory that, under the BSWAT, workers who are intellectually disabled are paid as little as \$1 an hour?

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (14:59): I thank Senator Xenophon for his question and for his interest in this area. This is a government that has stood for jobs. We support jobs at all levels and believe in the dignity and great purpose of work. We believe all Australians

should have access to employment, and that goes for people with a disability.

Australian Disability Enterprises give people with moderate to severe disability the chance to participate in work, to meet new friends and to become more financially independent. Australian Disability Enterprises are competitive businesses, partly funded by the Australian government and employing around 20,000 people. People with a disability who are working in Australian Disability Enterprises need high levels of support to do their jobs. Most of these workers would also be receiving some sort of social security payment, largely through the disability support pension.

I will give you a bit of history on the issue. When supported employment through Australian Disability Enterprises was brought into the industrial relations system in 2003 the Business Services Wage Assessment Tool was developed for use in Australian Disability Enterprises. Earlier this month, as Senator Xenophon mentioned, the Federal Court found that the tool was not discriminatory under the Disability Discrimination Act in its application to two employees in Australian Disability Enterprises. The Federal Court found that the determination of wage levels for employees in ADEs by a method involving assessment of competencies is appropriate. The Federal Court dismissed the case brought by these employees against the Australian Disability Enterprises they worked for and against the Commonwealth.

I should also make the point that this case went through the Australian Human Rights Commission before it reached the Federal Court. In handing down its decision the Federal Court noted that the Business Services Wage Assessment Tool has also been endorsed by the— (*Time expired*)

Senator XENOPHON (South Australia) (15:01): Mr President, I ask a supplementary question. Only Australian Disability Enterprises that are funded in part by the federal government use the Business Services Wage Assessment Tool. Given that this means that some intellectually disabled workers are being paid as little as \$1 per hour, will the government implement the supported wage system that other employers of disabled people use and which pays more, appropriately based on productivity?

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (15:02): To assist Senator Xenophon, I should also note that the government is presently considering the judgment from the case. In relation to the supported wage system used in open employment, the Federal Court found significant contrast between Australian Disability Enterprises, some of which use the Business Services Wage Assessment Tool, and open employment. With open employment, employers are able to choose the people they employ. Australian Disability Enterprises have limited scope to choose which employees to accept. The Federal Court also found that Australian Disability Enterprises are required to provide an increased level of supervision, with a consequent increase in costs. The court concluded that it was reasonable for Australian Disability Enterprises to use an assessment tool like the Business Services Assessment Tool.

Senator XENOPHON (South Australia) (15:03): Mr President, I ask a further supplementary question. Does the government accept that the Business Services Wage Assessment Tool asks these workers questions about workplace health and safety that, in reality, few non-disabled workers could answer? How is this not discrimina-

tory? Why shouldn't wages also be set according to productivity?

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (15:03): My understanding is that the Federal Court has examined the issue in relation to discrimination. I do not have the detail Senator Xenophon has asked for at hand. I would say, though, that the government is committed to improving supported employment for people with disability through Australian Disability Enterprises. We are working with disability advocates and with Australian Disability Enterprises to develop a 10-year vision for supported employment. This will work towards improving access for people with disability who need supported employment, improving the experiences of people with disability in supported employment and strengthening Australian Disability Enterprises as progressive and sustainable commercial enterprises that provide inclusive supported employment.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (15:04): Mr President, I ask that further questions be placed on the *Notice Paper*.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Asylum Seekers

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (15:05): I move:

That the Senate take note of the answer given by the Minister for Innovation, Industry, Science and Research (Senator Carr) to a question without notice asked by Senator Cash today relating to asylum seekers and offshore processing in Nauru.

This morning in the House of Representatives the Minister for Immigration and Citizenship introduced amendments to the Migration Act to try to repair the collapse of the government's border protection policy as a result of the decision of the High Court three weeks ago. The Leader of the Opposition, Mr Abbott, announced that the opposition would support that bill, which is quite a detailed bill, provided that the government acceded to one short amendment that the opposition will move. The purpose of that amendment is to instate Nauru as an offshore processing country.

Quite unbelievably, the government, rather than reach out to the opposition—whose cooperation the government has sought and whose cooperation has been freely offered—the Prime Minister refuses to accept that amendment. What does that tell you about the government? This is a government that refuses to consider the only option—offshore processing in Nauru—that has ever solved the problem of unlawful asylum seekers coming to Australia. The only option they refuse to consider is the only option that has ever worked. How can anybody take seriously the good faith of the government on this matter, faced with a catastrophic collapse of their policy?

There is a reason, and it is a very ignoble reason, why the only option they refuse to consider is the only option that has ever worked. It is because, if they were to do so, they would be conceding that the opposition had it right all along. And the one thing this Prime Minister's pride will not ever let her do is to concede that the government got it wrong and the opposition got it right.

Mr Deputy President, let me just remind you that, when the Pacific solution, based on offshore processing in Nauru, was introduced in 2001, the number of unlawful arrivals dwindled to a negligible number. In the

following six years, there were 18 boats, an average of three per year throughout the period that the Nauru processing centre was in operation. Why was that? Because it did break the people smugglers' business model, because only 43 per cent of the people who were processed in Nauru ended up in Australia. A majority of those people who sought to put themselves and their families into the hands of the people smugglers so that they could get to Australia failed to do so. There were 1,637 people in all processed on Nauru, of whom only 705 were resettled in Australia having been assessed as genuine refugees—43 per cent.

Senator Pratt interjecting—

Senator BRANDIS: If you doubt that figure, Senator Pratt, it comes from a press release by Mr Bowen, your colleague, on 2 February 2010. Given that there is a proven solution to this problem, why then, when the opposition is moving an amendment to enable the government to reinstate that proven solution to the problem, would a government be so blind, so pig-headed, so stubborn, so arrogant, so consumed with overweening pride, as to say to a cooperative opposition: 'No. The one thing we won't do is take your successful idea on board as our policy, because it was your idea and to adopt it would mean admitting our failure'?

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (15:10): I think in those few moments we got a taste of the arrogance that is driving the position of the coalition in this debate, an arrogance which means—

Opposition senators interjecting—

The DEPUTY PRESIDENT: Order on my left!

Senator FEENEY: Thank you, Mr Deputy President. We are accustomed to the fact that the courtesies we offer the opposition in these debates are not reciprocated,

but the death stare is above and beyond the call!

What we have here is an act of sabotage from those opposite. They may well argue that Nauru is their solution. They are entitled to do so. But they do not seek to simply do that. After having strutted the political stage last week dressed in the clothing of bipartisanship, having offered the Prime Minister all of the assistance that they could muster so that we can come to a joint solution, a bipartisan solution, around this terribly vexed question, what have we seen when the rubber hits the road? The simple answer to that is: sabotage.

The greatest fear in the breasts of those opposite is not that the Malaysian solution will fail but that it will succeed. Their greatest fear is that the boats will stop coming when the people-smuggling model is broken by the Malaysian solution. So what have those opposite constructed? They have constructed this fig leaf which is that they will only assist the government in amending the legislation insofar as it realises the policies of the coalition. We do not have this hubris in the debate. We are suggesting to the parliament that the legislation be amended so that offshore processing can be enabled. We do not seek to stipulate where that offshore processing happens.

Senator Brandis interjecting—

Senator FEENEY: The simple truth of it is, Senator Brandis, that, if in the future you and your colleagues form a government, you will come to this parliament with a piece of legislation very similar, if not identical, to that being put into the House of Representatives by the Labor Party. At that moment, your cynical sabotage in these days will come to the fore.

It is simply an outrage that those opposite will only amend the legislation insofar as it forces the government's hand in Nauru. Our

proposition is a far more sensible one. Over 80 per cent of people start their journey to Australia in Malaysia. That is a matter of fact. We simply propose a Malaysian solution, the detail of which is out. Your clinging to the Nauru solution is a matter for you. You can take that to the people as you please, but what you should not be allowed to do is to escape this debate on the basis that, if the Labor Party government does not do what you want it to do, then it can do nothing. On the basis of that proposition, you will not only lose the public debate; you will also lose your pretence to the moral high ground. There is no moral high ground for you in this debate. You can either make good the pledge of the Leader of the Opposition and assist the government in coming up with a piece of legislation that enables offshore processing or, alternatively, you can cling to sabotage in the face of all logic. If you cling to sabotage in the face of all logic, then you will follow the road just set out by Senator Brandis. If you say that the government can only do offshore processing if it does it where you want, how you want, when you want, if that is the arrogant proposition you insist on putting to this parliament, then it will be you that has slain offshore processing. It will be at your feet that offshore processing fails.

We have negotiated with the countries in this region and we have done so in the context of preparing a proper framework. The Bali process has been a part of that. Part of the Malaysian solution is an enhanced commitment to the humanitarian and refugee intake. We are proud of the fact—and those opposite pretend that they are too—that this country takes some 13,500 refugees. Under the proposal put forward by this government, that would increase by a further 1,000 a year. That, we think, is a fine thing. The Malaysian solution not only enhances this government's and this country's response to

refugees and increases the refugee intake but also means that we are working with our regional partners on a regional solution that tackles the people-smuggling model. We are taking away the product that those in Jakarta— (*Time expired*)

Senator HUMPHRIES (Australian Capital Territory) (15:15): I do not know where to start with that claptrap. I really do not. We are told that the opposition is engaged in an act of sabotage. I remind the parliamentary secretary that the government has sabotaged a succession of its own options for offshore processing before today. They wanted to go to East Timor because they wanted offshore processing. They did not talk to the East Timorese and it failed. They wanted to go to Manus Island. They have not thought that through. They wanted to go to Malaysia and they have only barely scraped that deal together. Even now, it is not clear whether that will work.

Senator Brandis: And it's illegal.

Senator HUMPHRIES: And it is illegal, according to the High Court. They claim they have regional partners. Name one. Name a regional partner. Some flimsy deal with Malaysia where they give us 4,000 of their asylum seekers and we give them 800 is not a regional arrangement. That is a bilateral deal between Australia and Malaysia which involves no other country. It is not regional at all.

Labor has cycled through a whole succession of failed policies and now finds itself in the position where its latest option is its only option. The only thing it will accept by way of offshore processing is the one option it needs the parliament to support and, not surprisingly, the parliament, as far as I can see, unanimously but for the Labor Party is saying, 'No, Malaysia is not an acceptable option. Malaysia is the worst possible option

of all the options available to the government right now.'

We do not demand that they implement Nauru as the only place on which to have offshore processing. We think Nauru is the best place because we know Nauru works. Nauru worked for six years under the previous government, in combination with temporary protection visas and turning back the boats when safe to do so. But our amendment, the Nauru amendment before the House of Representatives at the moment, does not demand that only Nauru be accepted. It only demands that countries which are signatories to the convention on refugees be considered for offshore processing. There are 148 of those options.

The government knows that it is in a bind. The government knows that its preference of recent days for offshore processing now boils down to being prepared to be flexible, and it needs to make a decision. The opposition is not saying, 'No, they cannot have offshore processing.' The opposition is saying that they do have a way out of this dilemma. They can climb aboard the boat to freedom we are offering them, which is a proven method of turning back the people smugglers and deterring the business of people smugglers—and that is to accept that a country such as Nauru provides a valid and viable way of solving their present problem.

As Senator Brandis has pointed out, the only thing that stands between this government sinking into a morass of failure with respect to this matter and returning to a policy of onshore processing, which we know will lead to an explosion again in the number of boats arriving on our shores, and the only thing that stops them from grasping the solution in front of them is pride. It is pride that prevents them from acknowledging that maybe, just maybe, John Howard had it right with the Nauru Pacific solution.

Maybe he got it right. They have spent so much time and so much political capital knocking down the solution over a period of six or seven years that they now cannot bring themselves to say, 'Maybe he was actually right.'

The fact is that it is not our job in the opposition to sort out the mess that this government has got itself into with one failed policy after another in this area. But we are offering a way out—a simple way out with a very small amendment to the government legislation, introduced into the other place today. It is the Nauru amendment. All it takes is for them to do the right thing and accept that it is a way out. I particularly appeal to people like Senator Cameron—who has argued within his own party that the Malaysian solution does, indeed, breach Australia's international obligations—to do the right thing and cross the floor to support this legislation with our amendment when the opportunity arises. I have crossed the floor before. It can be done. Senator Cameron has the same privilege and right as a member of parliament. If he believes what he said about not going down this iniquitous path of the Malaysian solution, he can do the same thing. *(Time expired)*

Senator THISTLETHWAITE (New South Wales) (15:20): Once again what we have seen from those opposite is a complete lack of leadership on a very important public policy debate in this country. We have seen a complete ignorance of the facts and of the advice of experts on a very difficult and emotive area of public policy. Unfortunately, it is becoming a bit of a habit of those opposite to ignore the facts, to ignore the advice of experts and to spread untruths in the Australian community on important public policy issues. We have seen that again today when they tried to rubbish the Treasury modelling on a carbon price. They have said that Labor's plan will not work and

they have spread untruths about that. They have ignored the advice of all expert economists and expert scientists when it comes to that public policy issue, and here we see it again on a very important, very emotive and very difficult public policy issue—one on which in many countries there is bipartisan support and leadership from both opposition and government when it comes to dealing with it. They are ignoring the advice of experts.

The Leader of the Opposition was offered a briefing from departmental advisers and from no less than the head of the Department of Immigration and Citizenship, Andrew Metcalfe, a person who I will add that former Minister for Immigration and Multicultural Affairs Amanda Vanstone has described as a first-class public servant—an overwhelming endorsement from a previous immigration minister. What does Tony Abbott do, upon the advice of Andrew Metcalfe? He completely ignores his advice. He completely ignores the advice in the wake of the High Court decision. The Leader of the Opposition was briefed on the ramifications of the High Court decision. The Leader of the Opposition was briefed on the fact that—

Senator Brandis: Senator Thistlethwaite is saying that the government is ignoring Mr Metcalfe's advice that the Malaysia solution was based on conjecture.

The DEPUTY PRESIDENT: There is no point of order. Senator Thistlethwaite.

Senator THISTLETHWAITE: No, Senator Brandis, I am saying that the Leader of the Opposition is ignoring the departmental advice, the advice of Andrew Metcalfe, who has said on several occasions to the Leader of the Opposition and those opposite that the Nauru alternative will not work. Nauru will not work because it is too costly, Nauru will not work because it is an ineffective model and Nauru will not work

because it will not stop the boats. It will not stop asylum seekers risking their lives and it will not stop the insidious trade of people smuggling to our country.

The facts are—these were explained to the Leader of the Opposition—that 95 per cent of refugees that were processed through Nauru ended up in Australia or New Zealand. They ignore the fact that there are no facilities currently available and ready on Nauru to process asylum seekers. In fact, much of the processing centre has been given away to the Nauru people. It has been gifted to the Nauru people. It is providing pergolas over barbeques for the people of Nauru. These are facts that are being ignored by those opposite. They also ignore the fact that many asylum seekers were left to rot on Nauru. For 1,637 asylum seekers that were accommodated in Nauru and on Manus Island the average stay was 501 days—approximately 1½ years. One man was left to rot on Nauru for 1,938 days—over five years. More than 120 people, including 19 children, I might add, were left to rot for over three years.

We understand that Nauru will not work. Labor's plan ensures that we meet our international obligations but we provide an effective deterrence to people smuggling. Labor's plan ensures that we also increase our humanitarian intake, that we understand that there are caps that need to be associated with our immigration intake and that we will give priority to those people who are in camps, those waiting in camps as a result of affliction in Burma, those waiting in camps as a result of famine in the Horn of Africa. *(Time expired)*

Senator CASH (Western Australia) (15:25): I am used to the minister, when responding to questions, stretching the truth; but I have to say, in the short time that Senator Thistlethwaite has been here, I am

very disappointed that he seems to have decided to indulge in the same type of misleading of the Senate that the minister does. The statistics that Senator Thistlethwaite quotes in relation to Nauru are just plain wrong. They are not the statistics that Mr Metcalfe, the secretary of the department, gave to Senator Brandis and others when the coalition was briefed by Mr Metcalfe in relation to the government's Malaysia solution. They are also not the statistics that are quoted by the Labor Minister for Immigration and Citizenship, Mr Bowen, in a press release dated Tuesday, 2 February 2010. These are the statistics, the correct statistics, as put forward by Mr Bowen, the immigration minister. Under John Howard's Pacific solution 1,637 people were taken to Nauru. How many were resettled in Australia? This is the minister for immigration's statistic: 705. Seven hundred and five people out of 1,637—that is, 43 per cent—according to the minister for immigration's own press release, were resettled in Australia. It is not the 95 per cent that the Labor Party likes to throw around so that they can distort the situation as it was in Nauru. For those on the other side to stand up and say that Nauru did not work, which part of the former Howard government's policies that stopped the boats don't you understand?

What we saw in question time today was yet again a government that, because of misplaced pride, because of sheer stubbornness, will not accept that if they want offshore processing they can have it tomorrow. It is the Prime Minister of Australia who consistently tells the people that she wants offshore processing. Well, if the Prime Minister of Australia listens to the coalition, she will know that this can be delivered by us in agreement with the Labor Party tomorrow. Bring it on tomorrow and we will vote for it. All that we ask is this: we ask the

Prime Minister to keep her word to the Australian people when she said again to the Australian people, 'I would rule out anywhere that is not a signatory to the refugee convention.' So to ensure that we have responsible government in Australia the coalition are putting forward an amendment that will ensure that the current Prime Minister of Australia is actually able to honour her word to the Australian people that she will rule out anywhere that is not a signatory to the refugee convention. That is exactly what our amendment ensures. It ensures that, when Australia transfers an asylum seeker to a third party, that third party has to be a signatory to the United Nations refugee convention.

Our amendment is not limited to Nauru, and the Labor Party know that. Our amendment asks only that, in terms of responsible government, in discharging our moral obligations and in ensuring that the Prime Minister of Australia keeps her word to the Australian people that she will never, ever send a person to a country that has not signed up to the UN convention, the Labor Party accept our small amendment. (*Time expired*)

Question agreed to.

Environment

Senator WRIGHT (South Australia) (15:30): I move:

That the Senate take note of the answer given by the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) to a question without notice asked by Senator Wright today relating to the Australian Fisheries Management Authority and the protection of marine species.

This is an important and urgent issue. Last week five conservation groups, the Australian Marine Conservation Society, the Wilderness Society, the Conservation Council of South Australia, the Humane Society International and the Whale and

Dolphin Conservation Society called for an immediate ban on the use of gillnets in a shark fishery, operating in Commonwealth waters off South Australia, due to the deaths of many sea lions and dolphins.

At this time in our history we are facing the worst extinction rate in 65 million years, since dinosaurs were wiped out. We must take this issue seriously. In this particular fishery in Commonwealth waters it is estimated that 256 threatened Australian sea lions are killed each year. I also understand that the latest available information shows that 13 dolphins were also killed in this fishery in the first three months of this year alone.

The government has put in place a strategy to attempt to protect the Australian sea lion, but this has been criticised as being grossly inadequate and now it would appear that impacts on dolphins are also increasing. Unfortunately, the exact numbers and the nature of the dolphin deaths are not known. The Australian Fisheries Management Authority, AFMA, seems unwilling to publicise the latest figures.

The public have a right to know how many sea lions and dolphins are being killed and what measures are being taken to remedy this. Gillnets are an acknowledged threat to the survival of sea lions at places such as Seal Bay on Kangaroo Island, which is a major tourist drawcard for the island. It seems that gillnets are also now killing dolphins.

Urgent action is needed to prevent the suffering and death of these animals. They are protected under the Environment Protection and Biodiversity Conservation Act. A ban on the use of gillnets in Commonwealth waters off the coast of South Australia, as called for by the five conservation groups mentioned, and better information from AFMA would assist in the

practical protection of these iconic and majestic creatures.

Question agreed to.

NOTICES

Presentation

Senator Siewert to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) a group of experts from the health and education sector, community representatives and business met in Parliament to discuss high incidences of poor hearing health in Aboriginal and Torres Strait Islander communities, and

(ii) this group:

(A) identified otitis media (glue ear) and its social, educational and community impacts as a key issue in 'Closing the Gap',

(B) believes it is essential that a holistic, sustained, cross-disciplinary approach be taken in addressing this issue and its effects; and

(b) calls on state and federal governments to commit to working collaboratively on a holistic, sustained, cross-disciplinary approach to addressing this issue and its effects.

Senator Cameron: to move on the next day of sitting:

That the Senate—

(a) notes:

(i) the courage, determination and sacrifice of the Libyan people since February 2011 in their pursuit of freedom and justice,

(ii) the Australian Government's commitment to the Libyan people throughout the conflict,

(iii) Australia is the third largest donor to the humanitarian effort in Libya, and

(iv) that with this assistance, humanitarian agencies will provide urgent medical, food and water assistance in conflict-affected areas of Libya; and

(b) calls on the Government to work with the National Transitional Council to assist Libya's transition.

Senator Pratt: to move on the next day of sitting:

That the Senate notes:

(a) the new guidelines announced by the Government that make it easier for sex and gender diverse people to get a passport in their preferred gender;

(b) that this policy will significantly reduce the administrative burden and inconvenience caused to sex and gender diverse people who require a passport that reflects their gender and physical appearance; and

(c) that the initiative is in line with the Australian Government's commitment to remove discrimination on the grounds of gender identity and sexual orientation.

Senators Moore, Crossin, Boyce and Di Natale to move on the next day of sitting:

That the Senate—

(a) commends the efforts of successive Australian Governments, working with multilateral, non-government organisations such as Rotary International and other national governments, in wiping out polio in the Pacific and reducing the total number of polio cases worldwide by 99 per cent since 1988;

(b) congratulates the Australian Government for existing polio eradication efforts through its contribution to the Global Alliance for Vaccines and Immunisation, the Afghanistan Polio Eradication Initiative and the United Nations Children's Fund [UNICEF];

(c) notes that polio remains endemic in four countries, Afghanistan, Nigeria, India and Pakistan, three of which are Commonwealth nations;

(d) recognises that in 2010, there were only 1 290 cases of polio worldwide, down from 350 000 cases in 1988, indicating the unprecedented opportunity the world has to eradicate polio once and for all;

(e) notes that the Global Polio Eradication Initiative currently faces a significant funding shortfall; and

(f) calls on the Australian Government to support efforts to deliver a polio-free world and to

advocate for greater support for polio eradication efforts, including at the Commonwealth Heads of Government Meeting.

Senator Parry to move on the next day of sitting:

That the Senate—

(a) notes:

(i) that 29 September 2011 is National Police Remembrance Day,

(ii) that 2011 marks the 23rd commemorative anniversary of National Police Remembrance Day, and

(iii) the hard work and dedication of police officers throughout Australia and the South West Pacific;

(b) particularly notes that:

(i) 750 police officers have died in Australia since 1803 whilst serving their communities, and

(ii) families and communities have endured this tragic loss;

(c) pays tribute to the families and friends of those police officers who have died in the line of duty; and

(d) acknowledges the support of all families and communities of serving police officers.

Senator Singh to move on the next day of sitting:

That the Joint Standing Committee on Migration be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 12 October 2011, from 10.30 am.

Senators Kroger and Macdonald to move on the next day of sitting:

That the Senate—

(a) regrets the Government's decision, in the context of the Joint Select Committee on Australia's Clean Energy Future Legislation, to depart from the historical convention which provides that the chair of a committee is a government nominee and the deputy chair of a committee is an Opposition nominee; and

(b) expresses concern regarding:

(i) the implication this committee membership structure has on the independence of the inquiry and its deliberations,

(ii) the short timeframe of 5 working days given for public submissions to the inquiry,

(iii) the limitations that this timeframe imposes on the members of the public to provide proper and considered preparations, and

(iv) the capacity of the committee to consider submissions and hold sufficient public hearings throughout metropolitan, regional and rural Australia, with an opportunity to engage Australians across all states.

Senator Heffernan to move on the next day of sitting:

That the Rural Affairs and Transport 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, 22 September 2011, from 4.30 pm, in relation to its inquiry on the management of the Murray-Darling Basin.

Senator Bob Brown to move on the next day of sitting:

That the Senate—

(a) notes the 20th anniversary on 4 October 2011 of the Madrid Protocol, which notably banned mining in Antarctica; and

(b) affirms its support for the Madrid Protocol and for the continuation of Antarctica as a 'natural reserve devoted to peace and science'.

Senator Bob Brown to move on the next day of sitting:

That the Senate condemns the Coalition for seeking to deny Tasmania \$270 million of assistance for forestry transition.

Senator Bob Brown to move on the next day of sitting:

That the Senate congratulates the Treasurer (Mr Swan) on winning Euromoney's Finance Minister of the Year award for his stewardship, backed by measures negotiated in the Australian Senate, of the Australian economy through the global financial crisis.

Senator Evans to move on the next day of sitting:

That the sum of \$100, deposited by Mr John Mulholland in relation to a petition, expressed to be a petition pursuant to standing order 207, be returned to him.

Senator Abetz to move on the next day of sitting:

That the Fair Work (Transitional Provisions and Consequential Amendments) Amendment Regulations 2011 (No. 1), as contained in Select Legislative Instrument 2011 No. 144 and made under the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009, be disallowed. [F2011L01611]

Senator Hanson-Young to move on the next day of sitting:

That the Senate calls on the Government and the Opposition to uphold our obligations to the 1951 Convention relating to the Status of Refugees.

Senator Milne to move on the next day of sitting:

That the Senate condemns the Coalition for seeking to deny Tasmania \$270 million of assistance for forestry transition.

COMMITTEES

Environment and Communications

References Committee

Reporting Date

Senator McEWEN: by leave—At the request of Senator Cameron, I move:

That the time for the presentation of the final report of the Environment and Communications References Committee on the status, health and sustainability of the koala population be extended to 22 September 2011.

Question agreed to.

Finance and Public Administration Legislation Committee

Meeting

Senator KROGER: by leave—At the request of Senator Ryan, I move:

That the Finance and Public Administration Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 22 September 2011, from 11.30 am.

Question agreed to.

BUSINESS

Leave of Absence

Senator KROGER: by leave—I move:

That leave of absence be granted to Senator Boswell on 21 September 2011 for personal reasons.

Question agreed to.

Leave of Absence

Senator McEWEN: by leave—I move:

That leave of absence be granted to Senator Ludwig on 22 September 2011, on account of parliamentary business.

Question agreed to.

NOTICES

Postponement

The following items of business were postponed:

Government business notice of motion no. 1 standing in the name of the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) for 22 September 2011, proposing an amendment to standing order 18, postponed till 11 October 2011.

General business notice of motion no. 438 standing in the name of Senator Siewert for today, relating to the North West Slope Trawl Fishery, postponed till 11 October 2011.

General business notice of motion no. 442 standing in the name of Senator Siewert for 22 September 2011, proposing the introduction of

the Fisheries Management Amendment (North West Slope Fishery Partial Closure) Bill 2011, postponed till 12 October 2011.

General business notice of motion no. 446 standing in the name of Senator Rhiannon for today, relating to Sri Lanka, postponed till 22 September 2011.

MOTIONS

Microfinance: Aid for Women

Senator McEWEN (South Australia—Government Whip in the Senate) (15:37): At the request of Senator Moore, I move:

That the Senate—

(a) notes:

(i) the participation and status of women in the economy is central to development efforts,

(ii) the significant contribution the Australian Government is making to improve the lives of women across the globe,

(iii) the successful APEC [Asia-Pacific Economic Cooperation] Women and the Economy Summit, held in San Francisco, California, from 13 September to 16 September 2011, where Australia committed \$2.2 million to help women start and expand their own small businesses, and

(iv) that this money will help microfinance institutions providing loans to more than 26 million women by the end of 2013, enabling these women to establish their own business, send their children to school, invest in their livelihoods and improve their family's standard of living; and

(b) calls on the Government to continue to invest in empowering women through the Australian aid program.

Question agreed to.

COMMITTEES

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 Wednesday, 21 September 2011, from 4.30 pm.

Question agreed to.

Rural Affairs and Transport References Committee

Meeting

Senator KROGER: At the request of Senator Heffernan, I move:

That the Rural Affairs and Transport References Committee be authorised to meet during the sitting of the Senate on Wednesday, 21 September 2011, from 5 pm, for a private briefing.

Question agreed to.

Electoral Matters Committee

Reporting Date

Senator McEWEN: At the request of Senator Carol Brown, I move:

That the time for the presentation of the report of the Joint Standing Committee on Electoral Matters on the funding of political parties and election campaigns be extended to 1 December 2011.

Question agreed to.

Finance and Public Administration Legislation Committee

Reporting Date

Senator RYAN: I seek leave to amend general business notice of motion 440 before seeking leave to have the motion taken as a formal motion.

Leave granted.

Senator RYAN: I amend the notice of motion by omitting '12 October 2011' and substituting '6 October 2011'. I now move:

That the time for the presentation of the final report of the Finance and Public Administration Legislation Committee on the exposure drafts of Australian privacy amendment legislation be extended to 6 October 2011.

Question agreed to.

MOTIONS

Asylum Seekers

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (15:39): I ask that general business notice of motion 444 standing in my name for today relating to the proposed legislation relating to asylum seekers be taken as a formal motion.

The DEPUTY PRESIDENT: Is there any objection? Senator Hanson-Young, are you denying leave?

Senator HANSON-YOUNG (South Australia) (15:40): I seek leave to move an amendment to the motion.

The DEPUTY PRESIDENT: Can we wait until we put the motion. There is no objection to the motion being taken as formal. Senator Abetz.

Senator ABETZ: I move:

That the Senate rejects the Government's attempts to provide inadequate protections for asylum seekers in its proposed legislation to resurrect its Malaysian asylum seeker deal.

Senator HANSON-YOUNG (South Australia) (15:40): I seek leave to move an amendment to motion 444.

The DEPUTY PRESIDENT: Is leave granted?

Senator Abetz: I invite Senator Hanson-Young to indicate her amendment prior to seeking leave. That might assist the process.

Senator HANSON-YOUNG: I am seeking leave to flag the amendment.

The DEPUTY PRESIDENT: Rather than having leave denied, we could do with it this way. If Senator Hanson-Young seeks leave to indicate to the chamber the nature of the amendment—

Senator HANSON-YOUNG: I seek leave to be able to move the amendment.

The DEPUTY PRESIDENT: Leave has been sought just to move the amendment. Is leave granted?

Leave not granted.

Senator HANSON-YOUNG: Pursuant to contingent notice and at the request of the Leader of the Australian Greens, Senator Bob Brown, I move:

That so much of the standing orders be suspended as would prevent me from moving an amendment to the motion.

The DEPUTY PRESIDENT: I am advised by the Clerk there is no contingent motion that you can act upon. Senator Hanson-Young, can I deal with Senator Ludwig, who wishes to make a short statement, and then we will come back to the matter.

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) (15:41): by leave—I want to assist in the proceedings this afternoon. I know leave usually has to be given before the amendment. That is the usual thing. However, I have from this position often asked what the nature of the amendment is because it then informs me as to whether I will decide to grant leave or not. In that instance you can, in my view seek leave, and I would give it, to explain the amendment before we then end up in a position of suspending standing orders to deal with it. This is a way to expedite the arrangement and allow the opposition, or the government for that matter, to hear what the amendment may be and consider it.

The DEPUTY PRESIDENT: Thank you, Senator Ludwig. I did give that opportunity to Senator Hanson-Young but I think she was fairly determined on her course of action. Is that correct? Would you

like to revisit this and take the opportunity of explaining, by leave, the nature of your amendment?

Senator HANSON-YOUNG (South Australia) (15:42): I am happy to explain, by leave, the nature of my amendment and then seek leave.

The DEPUTY PRESIDENT: Leave is granted for you to do that for two minutes.

Senator HANSON-YOUNG: The amendment would replace the words after 'Senate' with 'calls on the government and the opposition to uphold Australia's obligations to the 1951 Refugee Convention'.

Senator Abetz: The amendment negates the whole motion.

Leave not granted.

Senator HANSON-YOUNG: Pursuant to contingent notice and at the request of the Leader of the Australian Greens, I move:

That such standing orders be suspended as would prevent me moving the amendment to the motion.

The DEPUTY PRESIDENT: Senator Hanson-Young, I am advised by the Clerk that there is no specific contingent motion for you to do that. You can move to suspend standing orders but you would need then the concurrence of an absolute majority of the Senate to do that. You can move to suspend standing orders but not pursuant to a contingent motion.

Senator HANSON-YOUNG: I move:

That standing orders be suspended.

I would like to be able to move the amendment to this motion because we know that the motion put forward by Senator Abetz is pure hypocrisy. We know that the government has a bad plan when it comes to dumping vulnerable people in Malaysia. We know it contravenes the 1951 Refugee Convention. We also know that the opposition's

plan of dumping vulnerable people in Nauru would contravene the 1951 convention.

It is time that both the government and the opposition recognise that the Australian people are fed up with the hypocrisy and with the dirty arguments that not just put the lives of vulnerable people in harm's way but trash Australia's international obligations. We know it is time we had a proper process for dealing with these issues. Why do we drag out the lives of some of the world's most vulnerable people just because there is a political standoff, a squabble, between the government and the opposition? Neither side is standing up for our obligations. Neither side is doing what they should be doing, which is to ensure that our domestic laws concur with our international obligations.

It is absolutely paramount that we do what it is we have signed up to do: assess the claims of asylum seekers here on the Australian mainland. It is what the majority of Australians want; it is the cheapest option; it is the most humane one; and, above all else, it is legal. We should just get on with it. There is absolute rank hypocrisy in this motion, as put forward by Senator Abetz. It does not do anything to add any substance or standard to the level of debate we are seeing not just in this place but in the other place as well. How about the Leader of the Opposition and the Leader of the House actually stand up for what Australia signed up for 60 years: protecting the rights of vulnerable people when they arrive on our doorstep, doing what it is that we should be doing. Stop trashing Australia's international obligations just because of the politics of the day.

We know that onshore processing would be a much simpler option. It would be cheaper, it would be more humane and it is popular. We know that the government does not support Nauru. We know that the opposition does not support Malaysia. We

know that offshore processing is bad policy: it is morally wrong; it is illegal; and it is expensive. So just give it up.

There is one thing that is actually right in this debate. It is that both sides are right about the rank hypocrisy of the other. Both sides have sold out. Both sides are participating in a debate based on hypocrisy and backflips. There is absolutely no substance to the issues that go to the heart of the needs of asylum seekers. We should be doing what it is we said we would do under the convention we signed 60 years ago. The question and the amendment that I am putting to the Senate is: will we stand by the convention we signed 60 years ago? Under the government's plan we will not. Under the opposition's plan we will not. Is it that both sides are prepared to shred our international reputation, shred Australia's value of a fair go and throw away 60 years of commitment to the refugee convention? That is exactly what both sides want. That is the effect of both proposals—Malaysia and Nauru.

What a sad point we have got to in this debate when we are being forced to choose between dumping children in Malaysia and dumping children in Nauru. There is a much better solution; it is an Australian option. It means assessing the claims of asylum seekers onshore here on the mainland, as most Australians would like us to do. It is cheaper, more humane and it is legal. That is what this amendment is about: asking both the coalition and the government to do exactly what we have already signed up to do, which is to abide by our obligations under the 1951 refugee convention. If you are not interested in that, why not just say so? Stop playing with the lives of vulnerable people. Stop pretending that you care when clearly you do not. All you care about is the political points you are trying to make on the way through. And thank heavens the Australian people are wise enough to see

through the hypocrisy and the sell-outs and ensure a better solution. (*Time expired*)

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (15:49): It seems that the Australian Greens are as confused about the standing orders of this place as they are in relation to their immigration and asylum-seeker policy stance. We heard from the Greens that we are dealing with allegedly the most vulnerable people, those who are paying literally thousands and thousands of dollars to people-smugglers to come to Australia. They freely enter Indonesia, they travel there freely with no problems at all and then pay a criminal people-smuggler to get them to Australia, having thousands of dollars at their disposal. Somehow, they are the most vulnerable people.

Forget those who have been rotting in refugee camps around the world, not for weeks or months but for over a decade. There are literally millions of them all around the world. We in Australia need to ask ourselves this one question: do we want to be engaged in the humane resettlement of refugees? Overwhelmingly, the answer is yes, as it should be. The next question is: to whom out of the millions of refugees in the world should we be giving priority? We in the coalition make no bones about the fact that we do not believe priority should be given to the rich, who can afford to pay criminals to force their way into Australia and who turn a blind eye to our obligation to those who are sitting in camps in Somalia, in Kenya and in other places in Africa, where they have been for well over a decade.

For somebody like me, who works with my local refugee communities in Hobart, to be told I am a hypocrite on this is quite offensive. When you hear their tales of having been in refugee camps for up to 15 years you get an understanding of why these particular refugees are so offended when

priority is being given to the criminal boat-people smuggling operations. That is why the coalition put in place a policy that worked to stop this criminal activity, which also puts lives at risk. We stopped it with the Nauru solution. The Labor Party deliberately dismantled that policy, and guess what: the influx of boats occurred and the influx of illegal arrivals re-entered the Australian scene. This disrupted the orderly resettlement of refugees into Australia that we had, in cooperation with the United Nations. We had a policy which worked. Labor dismantled it. Now, seeing the folly of their ways, Labor are trying to make themselves more hairy-chested than we as a coalition were in this space. We say to them that their Malaysia solution, where people can be caned for disobeying orders in Malaysia, is inhumane. The Labor Party themselves set the benchmark for offshore processing that the country should be a signatory to the UN convention. Well, Nauru is; Malaysia is not. All we have done is suggest to the government that they should adopt the Nauru solution, the Manus Island solution, and dump the Malaysia solution, where we were going to be giving them one of our illegal entrants for five of theirs, a swap which, in anybody's language, was not good. In relation to today's motion, it is simply calling on the Senate to reject:

... the Government's attempts to provide inadequate protections for asylum seekers in its proposed legislation to resurrect its Malaysian asylum seeker deal.

I would have thought the Australian Greens would support such a motion, but of course it is splitting them away from their Labor alliance partners and they now, undoubtedly in a deal with Labor, are trying to scuttle around to come up with an excuse as to why not to support this motion. As a result, the hapless Senator Hanson-Young has been called in to move an amendment which seeks

to negate this. We say the Malaysia solution is not a solution, because it is inhumane and in breach of our international obligations, whereas the Nauru solution is workable, proven and humane. (*Time expired*)

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) (15:54): We are now debating the issue, as it seems people have wanted to do. I remind people that there was a meeting of the Senate Standing Committee on Procedure which gave the Senate this advice:

The committee has considered the operation of standing order 66 on numerous occasions—

so it is certainly not the first time this has occurred—

Standing order 66(3) provides that a formal motion shall be put and determined without amendment or debate. Current difficulties—

including this one—

are largely attributable to senators seeking leave to depart from these rules and the Senate granting leave, almost as a matter of course. In particular, the number of statements being made by leave in relation to complex motions leads to a de facto debate on those motions, contrary to standing order 66.

So we are not only doing what we are doing now, but we are also being chastised by the Procedure Committee into entering into de facto debates, of which I think this is one:

This is because senators, instead of making statements, assert views in the nature of debate by mounting arguments and responding to positions expressed by others.

While the committee recommends no changes to standing order 66, noting its value as a daily opportunity for motions from all sources and of all types to be put to the vote, it urges senators to pay more heed to the existing restrictions. For example, if a senator wishes to amend—

as we tried to do today—

a notice of motion, then generally, as a courtesy to the Senate, that notice should be postponed till the next day of sitting to enable the senator to use the procedures under standing order 77 to amend the notice in writing and for the notice to appear in its amended form in the next day's *Notice Paper*.

That is so that the Senate and everyone in the chamber and everyone who is not in the chamber can be given an opportunity to look at what that amendment is and participating, and at least being informed about what is happening in the chamber:

Secondly, the committee encourages parties to use internal means to limit the number of senators seeking leave to make statements on motions to one from each group,

Now, because of the way things have unfolded, we have entered into a motion to suspend. We should actually be arguing why the suspension is needed, not the substantive debate on the motion itself. Anyone listening to the debate would think we were debating the substantive motion. We should be arguing as to why this suspension should proceed. I note you can include parts of your argument within that because there is wide scope and latitude. So I am not particularly taking anyone to task in relation to that. I am sure I will also fall under the rule sometimes in these debates.

What I want to highlight specifically is that we should not now, if we are unsuccessful in an amendment or unsuccessful in seeking leave to take a statement, go through the process of then moving to a suspension to have the de facto argument. Otherwise we will take up significant time of the chamber. The government does have its business to get on with. It does want to continue with the program. We have taken note of remaining issues to be dealt with, other parts of the program. It is important to get to legislation, so I remind senators that this is an opportunity to put motions without debate, rather

than going through this convoluted procedure of seeking a suspension so that we can be heard in relation to a debate.

I do not take anyone to task. I just wish to remind all senators that this is the purpose of this time—to put matters without debate so that their particular issues can be made known, rather than soaking up the time of the Senate with the complex motions we are now engaged in. The government will not be supporting the motion to suspend on the basis that the government wants to get on with the business of the Senate and not be bogged down in dealing with these motions. For those reasons, as I have said, we will not be supporting the motion.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (15:59): The process here is one of denying amendments to motions that are put up for formality and we have had a series of denials of those amendments in the Senate in recent days. Senators may notice that has not stopped the effect of the amendments coming before the chamber as they doing that as whole motions seriatim and that will continue. I think, however, that where amendments are to be moved to the motions there ought to be a better mechanism and the amendments ought to be treated with a vote the same as the substantial motions. We have not got to that point yet and here we are debating whether there should be a suspension of standing orders to effectively debate the motion—and I will listen to debate to work that out. But what I do want to say is that Senator Hanson-Young is absolutely right here: what we have is a move by the coalition, which had no compunction a few years ago to be locking up hundreds of children behind razor wire in deserts in Australia to the point where there was psychological scarring for life, now claiming that sending people to this country—

Senator Abetz: No, that is wrong. That is just false.

Senator BOB BROWN: Senator Abetz, for the record, is denying that happened. Well, I do not know how you deny such an obvious piece of history, but sending people off to Nauru or to Manus Island for that effect and to Malaysia is not only a huge trial upon the wellbeing of people who try to come to this country to escape persecution elsewhere but the wrong thing to do. We are a nation that is mature and that is part of the common global community of nations and we ought to be taking on our responsibilities—and the High Court pointed this out when it turned down the government's legislation effectively to bounce people back off to Malaysia. But it was not just the Malaysian solution that the High Court was ruling out; it was the Nauru solution and the Manus Island solution as well, for example, on the basis that these abrogate Australia's obligation under the refugee convention—which Sarah Hanson-Young has so rightly brought into this debate because it is front and centre—to give people fleeing persecution and coming to our shores access to Australian laws. Whichever one of these offshore options you are looking at it cuts across that requirement of the refugee convention. I notice Senator Abetz, in his delivery, said words to the effect that we swap one illegal entrant for each five of theirs. Let me pull him up on that again—and we must have done that so many times in this chamber. These are not illegal entrants; these people are asylum seekers.

Senator Fierravanti-Wells: They are.

Senator BOB BROWN: They are not, Senator Fierravanti-Wells—and that is the problem you have.

Senator Fierravanti-Wells: I used to do this for a living. I have deported a lot more people in my career than you have done.

Senator BOB BROWN: This has been happening all day. You are another interjector—

Senator Fierravanti-Wells interjecting—

Senator BOB BROWN: and a recycled interjector at that on the benches over there—

Opposition senators interjecting—

The DEPUTY PRESIDENT: Order on my left!

Senator BOB BROWN: But it is one of those things, isn't it? They are not illegal entrants. They have a legal right to seek solace in this country. That is what is in the refugee convention, signed under the government of Sir Robert Menzies, or Robert Menzies as he was then. That is what we signed up to way back in the 1950s under a more noble, humane and globally thinking government of the opposition kind more than half a century ago.

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (16:04): As has been indicated by Senator Abetz, we will not be supporting the suspension for the simple reason that Senator Hanson-Young's foreshadowed amendment completely changes the intent of Senator Abetz's motion. I agree with Senator Ludwig and Senator Abetz that it would indeed be helpful if the Australian Greens did circulate their amendments in advance. This chamber does operate largely on cooperation and there is usually good cooperation on motions and the intent to seek to amend them, so I think that is something that would be of benefit to the chamber. The motion moved by Senator Abetz does, I think, deserve to be given the opportunity for a straight up or down vote—which the move to suspend and to seek to amend Senator Abetz's motion certainly denies. I also think that, because the government's absolute hypocrisy does deserve to be judged by this chamber, it does

warrant the consideration of Senator Abetz's motion unamended.

I do hate to give the Australian Greens some credit at this point but it would not be fair not to recognise that when it comes to asylum seeker policy at least the Australian Greens do have a consistent position. They are against offshore processing, and they have been consistent on that. The Greens are wrong. I think they are sincerely in error but at least on this issue they, unlike the government, do have a clear position. The Australian Labor Party have lost any shred of credibility that they had on the subject of border protection and asylum seeker policy. When those of us on this side were in office, the Australian Labor Party announced that if they were elected they would systematically set about dismantling the coalition's border protection and asylum seeker policy. And they were true to their word, as the Australian Labor Party did that. They abolished offshore processing and they abolished temporary protection visas—they weakened their resolve—which again is something that they undertook to do. We were told that pull factors were not a consideration for people-smugglers, that it was all about push factors and that it was all about factors outside the control of the Australian government. We know now, beyond any doubt, that there are both pull and push factors. What frustrates me incredibly is when I hear the current government say that they want to break the people-smugglers' business model. The truth is that the product that the people smugglers have to sell was given to them by the Australian Labor Party. We hear the government say that they want to bust the business model, but that business model was the one designed by the current government. Our policies were aimed at—and I think they were effective—putting the people smugglers out of business and ensuring that people who were seeking

asylum did not put themselves in harm's way. That was a good thing. That meant that we did not have people at risk on the high seas with their lives in peril.

On this side of the chamber we are not interested in public acts of conspicuous compassion. We care about effective compassion—having policies that do good and take people out of harm's way. Our policies were effective. We heard initially from the current government of the East Timor solution—nothing came of that. We heard of the Malaysian solution—to date, nothing has come of that. The government is running away from any policy that will actually work. We had the farcical situation at the South Pacific Forum where Prime Minister Gillard was basically jumping behind pot plants to hide from the President of Nauru. We thought *At Home with Julia* was a farce; you ain't seen nothing until you have seen 'Away with Julia'. It is a bit like that *Fawlty Towers* episode about the war—'I think I mentioned it once but I think I got away with it.' 'I think I mentioned Nauru only once but I think I got away with it.' It was a farcical situation.

The government deserves to be condemned for its asylum seeker policy. It has no policy. The policy, such as it is, has put people in harm's way. It should adopt our Nauru solution with TPVs and a strengthened resolve. Senator Abetz's motion deserves to be put unamended.

Senator CASH (Western Australia) (16:09): I too rise to concur with the comments of the Leader of the Opposition in the Senate, Senator Eric Abetz, and my colleague Senator Fifield. We are currently debating a motion by Senator Hanson-Young to suspend standing orders to allow an amendment to general business notice of motion No. 444 to be moved. I have searched high and low and I have asked my

colleagues if they have a copy of the amendment for me—I understand that Senator Hanson Young was asked to reread the amendment out to the Senate—but, to date, I do not know about you, Mr Acting Deputy President, but I have been unable to find a copy of the amendment.

When the Greens come into this chamber and stand here and talk about process and the failure of some to follow process, maybe they would like to have a look at their own conduct in relation to this particular motion. There is a very good reason that those on this side of the chamber will not be supporting Senator Hanson-Young's suspension motion, and that is that Senator Hanson-Young has failed to give this chamber the courtesy that is due to it. I acknowledge the comments made by Senator Ludwig on debating these types of motions, but when the Greens come into this chamber and stand up and completely misrepresent the position of the coalition in putting forward the motion it is incumbent upon those on this side—as those on the other side would do if they were in the same position as us—to come in here and defend their position. There is a very good reason that Senator Abetz has put forward this motion. If the Greens choose not to support this motion, then quite frankly that is their problem and they can go and justify to their supporters why they are supporting a motion that condemns government policy for its inadequate protections for people that we—Australia—will be transferring to Malaysia.

Let me tell you what the coalition will not support, and these are the reasons we have put forward this motion. We on this side of the chamber will not support legislation that will allow the Australian government to send asylum seekers to a country that has not signed the UNHCR convention. We on this side will not support legislation that allows the Australian government to send asylum

seekers to a country where, in the last five years, almost 30,000 refugees were caned—that is 16 floggings a day—and that is mandated by an act of parliament in Malaysia. We on this side will not support legislation that allows the Australian government—and that is a government that is only in government because of its coalition with the Greens—to take children to Malaysia where they will not be able to have proper schooling. We on this side will not support legislation that allows the Australian government, again, to transfer refugees to Malaysia where they will have access to only one UNHCR funded medical clinic, which they will have to share with 94,000 other refugees.

The coalition—and this is the reason for Senator Abetz's motion—in good conscience cannot support such morally objectionable legislation. The reason the Greens want to move the amendment is that they too know that the government is wrong. They know the government is wrong in what it is doing and, if the government is wrong, the Greens should be sitting on this side of the chamber with the coalition condemning their coalition partners. The coalition will make no apology whatsoever for their own tough and uncompromising policies on border protection, because what we did—unlike what the Greens want to do—was stop the boats. Do you know what happens when you stop the boats? You stop people risking their lives to get to this country and dying in the process. If the Greens had their way, they would have onshore processing. Do you know what that means? That means they do not want to stop the boats and they support policies that will cause people to be drowned.

Question put:

That the motion (**Senator Hanson-Young's**) be agreed to.

Question negatived.

Original question put:

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

The Senate divided. [16:18]

(The President—Senator JJ Hogg)

Ayes.....30

Noes.....33

Majority.....3

AYES

Abetz, E	Adams, J
Back, CJ	Bernardi, C
Birmingham, SJ	Boyce, SK
Brandis, GH	Bushby, DC
Cash, MC	Colbeck, R
Cormann, M	Edwards, S
Fawcett, DJ	Fierravanti-Wells, C
Fifield, MP	Heffernan, W
Humphries, G	Johnston, D
Joyce, B	Kroger, H (teller)
Madigan, JJ	Mason, B
McKenzie, B	Nash, F
Parry, S	Ronaldson, M
Ryan, SM	Scullion, NG
Williams, JR	Xenophon, N

NOES

Bishop, TM	Brown, CL
Brown, RJ (teller)	Cameron, DN
Carr, KJ	Collins, JMA
Conroy, SM	Crossin, P
Di Natale, R	Farrell, D
Faulkner, J	Feeney, D
Furner, ML	Gallacher, AM
Hanson-Young, SC	Hogg, JJ
Ludlam, S	Ludwig, JW
Lundy, KA	Marshall, GM
Milne, C	Moore, CM
Pratt, LC	Rhiannon, L
Sherry, NJ	Siewert, R
Singh, LM	Stephens, U
Sterle, G	Thistlethwaite, M
Urquhart, AE	Waters, LJ
Wright, PL	

PAIRS

Boswell, RLD	Evans, C
Eggleston, A	Bilyk, CL
Fisher, M	McLucas, J
Macdonald, ID	McEwen, A

PAIRS

Payne, MA

Polley, H

Senator Arbib did not vote, to compensate for the vacancy caused by the resignation of Senator Coonan

Question negatived.

International Day of Peace

Senator LUDLAM (Western Australia)

(16:22): I move:

That the Senate—

(a) notes:

(i) that on 7 September 2001, the United Nations (UN) General Assembly passed Resolution 55/282 declaring that the International Day of Peace should be observed annually on the fixed date of 21 September, as a day of global ceasefire and non-violence,

(ii) that UN Secretary-General Ban Ki-Moon has urged member states to support the observance of global ceasefire, and

(iii) that the slogan chosen by the UN for the 2011 marking of the day is 'Peace=Future' drawing particular attention to the impact of armed conflict on children and that the world's concerns will soon be in their hands;

(b) supports non-government organisations in Australia who intend to observe the day through vigils, concerts and walks; and

(c) calls on the Australian Government to:

(i) promote the observance of a global ceasefire for the duration of 21 September, and

(ii) support the observation of a ceasefire by not engaging in hostilities for the duration of 21 September, unless provoked to do so in self-defence.

Question put.

The Senate divided. [16:23]

(The President—Senator JJ Hogg)

Ayes10

Noes46

Majority.....36

AYES

Brown, RJ

Di Natale, R

AYES

Hanson-Young, SC	Ludlam, S
Milne, C	Rhiannon, L
Siewert, R (teller)	Waters, LJ
Wright, PL	Xenophon, N

NOES

Abetz, E	Adams, J
Back, CJ	Bernardi, C
Birmingham, SJ	Bishop, TM
Boyce, SK	Brown, CL (teller)
Cameron, DN	Carr, KJ
Cash, MC	Colbeck, R
Collins, JMA	Conroy, SM
Cormann, M	Crossin, P
Edwards, S	Farrell, D
Faulkner, J	Fawcett, DJ
Feeney, D	Fierravanti-Wells, C
Fifield, MP	Furner, ML
Gallacher, AM	Heffernan, W
Hogg, JJ	Humphries, G
Kroger, H	Ludwig, JW
Lundy, KA	Madigan, JJ
Marshall, GM	Mason, B
McKenzie, B	Nash, F
Parry, S	Pratt, LC
Scullion, NG	Sherry, NJ
Singh, LM	Stephens, U
Sterle, G	Thistlethwaite, M
Urquhart, AE	Williams, JR

Question negated.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (16:28): I seek leave to make a short statement in respect of motion 447.

The PRESIDENT: Leave is granted for two minutes.

Senator FARRELL: In respect of the previous motion, No. 447, the government does not support conducting our complex defence and foreign policy by way of simple Senate resolutions. Australia remains a strong promoter of peace and security, regionally and globally, and has a long and very proud history of supporting United Nations and regional peacekeeping opera-

tions. While the government respects the sentiment behind the motion, the notion of a global ceasefire for the duration of the International Day of Peace is impractical.

Today, many conflicts we face, particularly terrorism and piracy, are not state based and do not respect international peace. A call to cease fire against these threats would be counterproductive to Australia and our partners' continued efforts for peace and security. The government's strong view is that it is in our national interest to be in Afghanistan, not just with our alliance partner the United States but also with 47 other members of the International Security Assistance Force, acting under a United Nations mandate. Australia's fundamental goal is to prevent Afghanistan, especially the Afghanistan-Pakistan border area, from again being used by terrorists to plan and train for attacks on innocent civilians, including Australians, in our own region and beyond. To achieve that goal we must help prepare the Afghan government to take lead responsibility for providing security for the Afghan people. To do so we must stabilise the security situation and mentor and train the Afghan security forces to take the lead in the security of their country by 2014.

Senator LUDLAM (Western Australia) (16:30): by leave—I do not normally do this, but I will make a brief statement. I suspect we will hear something reasonably similar from Senator Abetz shortly.

I think this is incredibly sad. This was a fairly innocent motion, and none of the caveats that Senator Farrell just read into the record apply. All we are seeking to do here is give peace a chance, as it were. On 7 September 2001 the UN General Assembly passed resolution 55/282 declaring that the International Day of Peace should be observed annually on the fixed date of 21 September as a day of global ceasefire and

nonviolence. Senator Farrell made it sound as though he was concerned to hear the Senate calling for Australian troops to sit on their hands while they were shot at in any number of the war zones we are engaged in at the moment.

Of course, the motion does no such thing. It calls on the government to 'support the observation of a ceasefire by not engaging in hostilities for the duration of 21 September, unless provoked to do so in self-defence'. I would not have thought it was too much to ask for one day to remind this chamber that we have put people in harm's way and that we are a country at war at the moment, and to perhaps take today to not engage in acts of aggression in any of the places where that might be possible. Of course, mostly our thoughts go to Afghanistan.

It was extremely ironic that most senators—in fact, the entire chamber—were entirely content to vote for the motion until the President, of all people, drew to their attention the fact that it might actually mean something. At that point they abashedly shuffled over to the other side of the chamber to crush it. I think that is a sad state of affairs, and I urge the Senate to reconsider. Next year, on 21 September 2012, we will move a motion similar to this one to remind senators that there are people in conflict zones in our name at the moment who should be brought home.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (16:32): by leave—I too wish to make a brief statement of no longer than two minutes. I think one thing we can all agree on in this chamber is that we all support and pray for peace in our time. No-one has a mortgage on that aspiration. However, the coalition does join with Senator Farrell in relation to his comments as they relate to our situation in Afghanistan, so

I do not need to delay by repeating those comments except to say that we agree.

Another theatre of war is currently in Libya. Of course, we know that Colonel Gaddafi's troops are on the retreat. They are being pressed hard. They would want nothing more than a day of peace to regroup to ensure that they cannot be defeated. The wording of the motion includes 'unless provoked to do so in self-defence'. Those liberation fighters who are seeking to press the advantage as we speak would be required to withhold for a whole day, which of course would have given an inappropriate advantage to the evil Gaddafi regime.

That is another example that echoes and builds on that which Senator Farrell so properly put to the chamber. So we as a coalition do support the sentiments and comments of the government in relation to this; that it in no way detracts from Labor's commitment or the coalition's commitment to peace in our time.

MATTERS OF PUBLIC IMPORTANCE

Nuclear Energy

The ACTING DEPUTY PRESIDENT (Senator Marshall): I inform the Senate that, at 8.30 am today, Senator Fifield and Senator Siewert each submitted a letter in accordance with standing order 75 proposing a matter of public importance for discussion. The question of which proposal would be submitted to the Senate was determined by lot, and Senator Fifield was unsuccessful and unlucky. As a result, I inform the Senate that the following letter has been received from Senator Siewert:

Dear Mr President

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

The implications of the disaster at the Fukushima Daiichi nuclear power plant and Australia's participation at the High Level Meeting on Nuclear Safety and Security to be held on 22 September 2011 at the United Nations Headquarters.

Is the proposal supported?

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

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

Senator LUDLAM (Western Australia) (16:35): I thank the Senate for agreeing that there is in fact an urgent need to discuss the implications of the disaster in Japan and at this important meeting being held at the UN tomorrow. The issue on Japan's Pacific coast is ongoing. It is vastly worse than most people realise and it will be smouldering for decades. This is an appropriate time, just after the six-month anniversary, to be considering it.

As reported by the ABC today, 60 per cent of Japanese people surveyed want the Japanese government to rely less on nuclear energy. It is a stunning turnaround from the popularity of this technology. That is why 50,000 people took to the streets of Tokyo this week to demand the phase-out of nuclear energy in Japan. It is not difficult to understand why, given the extraordinary devastation visited on the people of Hiroshima and Nagasaki, victims of radiation are calling for an end not just to nuclear weapons but to the civil nuclear industry. They know better than anyone. The Japanese have experienced this tragedy before. The majority of Japanese feel this way because they now know that 76 trillion becquerel of plutonium 239 have been released. This is a

hideously dangerous radioactive isotope that the Japanese government thought had been contained. That figure was released on 6 June and is 23,000 times higher than had been previously announced by the Japanese government. The truth about this disaster still has not been told, even though it may have faded from the front pages of Australian newspapers.

The Japanese people also know that the IAEA and the Japanese government have done medical tests on children living in three towns near Fukushima. About 45 per cent of those surveyed—kids up to 15 years old—have had thyroid exposure to radioactive iodine. As we all know, radioactive iodine is something that children and babies are much more susceptible to. They are doing tests on products such as spinach, tea, milk and fish, hundreds of kilometres from the plant, that show them heavily contaminated with iodine and caesium. There are hot spots now all away across the north-east of Japan.

Something that senators probably did not know is that the UN Secretary-General, Ban Ki-moon, announced a High-Level Meeting on Nuclear Safety and Security on 11 May, a couple of months after the disaster. He said:

We have to reevaluate nuclear risks and nuclear safety in response to the disaster in Japan.

Indeed we do. He told reporters at the time:

This exercise will also need a serious global debate on broader issues, including assessment of the costs, risks and benefits of nuclear energy and stronger connections between nuclear safety, nuclear security and nuclear non-proliferation.

This is something the industry is very keen to not talk about at all. I understand the UNSG was visited by several governments after making these statements. What is called a 'demarche' took place, a coordinated diplomatic onslaught from countries heavily invested in nuclear power that do not want the disaster on Japan's Pacific coast to impact

popular opinion or the fortunes of the industry in their countries. They were not happy that the SG wanted to have a dialogue on the costs and risks of nuclear power. Despite opposition to this meeting and the concerns of the secretary-general, on 16 September 2011 the secretary-general released the *UN system-wide study on the implications of the accident at the Fukushima Daiichi nuclear power plant*. I indicated to the whips that I was going to seek leave to table this document, so I do so now.

The ACTING DEPUTY PRESIDENT (Senator Marshall): Is leave granted?

Senator Bernardi: No.

Senator LUDLAM: Before leave is denied, I should say that the whips were notified yesterday that I was proposing to seek leave to this document and another.

The ACTING DEPUTY PRESIDENT: I am sorry, Senator Ludlam. Leave is not granted.

Senator Abetz: I will check it.

Senator LUDLAM: I might seek leave again towards the end of my speech, on a nod from the opposition.

The ACTING DEPUTY PRESIDENT: That would be appropriate. Thank you.

Senator LUDLAM: Picking up on the tension between nuclear states and the UN Secretary-General, and fearing that the meeting might become imbalanced or even manipulated by the industry, non-government organisations and experts came together to provide analysis and country reports, including a report on Australia. The effort was coordinated by Ray Acheson, the Director of Reaching Critical Will, a great project of the Women's International League for Peace and Freedom. They produced what is sometimes referred to as a 'shadow report', an alternative to the official report, to make

sure, essentially, that updated information and evidence on the costs and risks of nuclear power are available. For the benefit of Senator Abetz and the opposition whip, I foreshadow that I will also seek leave to table that report later—so that is one report from the United Nations Secretary-General and one shadow report from the non-government organisations who pay very close regard to what is going on in those international fora. The title of the shadow report is *Costs, risks, and myths of nuclear power*.

The UN report includes inputs from 16 UN entities whose work is affected by the disaster at the Fukushima plant. Unfortunately, the IAEA was tasked with being the lead coordinating entity for the study. The IAEA, of course, is responsible for promoting the use of nuclear energy around the world. Having an organisation with such conflicted responsibilities coordinating the study resulted—I do not think any senators will be surprised—in the study being overwhelmingly and conclusively pro nuclear power. All the same, it does clearly acknowledge the severity of the disaster at Fukushima and the threat of international nuclear incidents elsewhere. It acknowledges the inadequacy of current threat assessments and mitigation planning, including risks from severe and unpredictable weather events related to climate change, which is very interesting. It acknowledges the lack of an agreed approach to facility decommissioning and high-level radioactive waste management. It acknowledges the weapons proliferation links related to nuclear power. All these are things that I doubt senators, particularly those on the conservative side—but I know they have got their allies in the ALP as well—would acknowledge, topics they do not want to understand: weapons proliferation and the threats posed by climate change to nuclear energy, which is something to ponder.

The study also cautions against the trend towards longer service lives of nuclear plants. The only thing I would want less than to live next to a nuclear plant would be to live next to one that had been running for 60 years, but of course the industry, which can no longer afford to build new ones in places like the United States and Western Europe is relicensing old facilities for an additional 20 years. These things will have been running for longer than the lives of any of the people operating them, in order to squeeze more of a profit out of clapped-out assets. I think it is a shocking risk to play like that with the lives of people in those communities and the surrounding areas and countries. The study says that plant extension:

... brings its own challenges, such as ensuring that safety margins remain adequate. The extension of the lives of existing nuclear plants and the expansion of nuclear power programs are also placing an increasing strain upon the limited human resources available to design, construct, maintain and operate nuclear facilities.

These cautions are being written by the international agency charged with promoting nuclear energy. It is a pretty lukewarm endorsement.

The UN study also insists that the environmental, social and economic consequences of major accidents must also be considered and included in decision-making processes to identify and consider such costs—precisely the kinds of risks that have been ignored around the world. This recommendation has been taken up in the shadow report by the NGOs, by Australia's Dave Sweeney and Dimity Hawkins, who between them have many, many years of experience in analysing this sector. The report says that since some states 'remain committed to developing or acquiring nuclear power', disaster risk analysis 'must therefore ensure that nuclear plants are built and operated safely and able to withstand

any possible threat that could give rise to a radiation emergency'. Surely by now we know that such an assurance is not possible. Dr MV Ramana points out, in his chapter on nuclear safety: 'Catastrophic accidents are inevitable with nuclear power.' We have seen that now just in the limited period of time that these plants have been operating entire areas have been depopulated and turned into radiation sacrifice zones.

So what position will Australia take to the meeting in New York tomorrow? We have a strong interest in this. Nobody wants nuclear power in this country, apart from Ziggy Switkowski and a handful of others, but Australia has 40 per cent of the world's uranium reserves and is a supplier of around 20 per cent of the global market, including to most of the world's nuclear weapon states. Ministers in both of the old parties obsess about uranium mining, despite it not being in our top 16 exports. The facts here in Australia are that Australian uranium mines have an absolutely miserable record. The BHP Olympic Dam mine that they are proposing to expand will create five cubic kilometres of radioactive tailings—a radioactive carcinogenic mountain range created by the expansion of one single project. The Ranger mine that senators will be aware of and have had a long association with has seen over 200 leaks, spills and licence breaches since it opened in 1981.

The meeting in New York tomorrow should be a thorough examination of the facts rather than assurances and glib assertions that deny the fact that the state of nuclear safety is as poor as its market prospects. That is why investors have deserted the sector. The meeting should not deny that the nuclear industry is rife with accidents, incidents and profound secrecy. It should not deny that nuclear power is a massive subsidy parasite that burns money far more efficiently than it burns uranium. I

very much look forward to the contributions of other senators to this debate.

Senator FAULKNER (New South Wales) (16:45): The Tohoku Pacific earthquake struck in the western Pacific Ocean, 72 kilometres north-east of the Tohoku peninsula in Japan, at 2.46 pm on 11 March this year. It registered a magnitude of 9.0 on the Richter scale, making it the most powerful known earthquake to hit Japan since records began. The earthquake triggered very destructive tsunami waves of up to 40 metres high that in some cases travelled 10 kilometres inland. In addition to the extraordinarily tragic loss of over 15,000 lives, with thousands still missing, and the destruction of vital infrastructure, the tsunami breached the six-metre high seawall protecting the Fukushima Daiichi Nuclear Power Plant, badly damaging the site.

The inundation of the site resulted in the automatic shutdown of three reactors; three other reactors were already shutdown due to maintenance at the time of the earthquake. Back-up diesel generators started emergency operation when power was lost but soon failed due to the damage that was caused by the tsunami. Back-up battery power with a limited life of eight to 24 hours was expended. That left the plant without vital power to operate the cooling pumps of the reactors. Of course, all senators know what happened next: three reactors had a partial meltdown, resulting in explosions and the release of harmful radiation.

The Fukushima accident, triggered by a natural disaster of such great magnitude, reaffirms the importance of continually reviewing and improving the level of nuclear safety internationally. It also highlights the importance of the work of organisations such as the International Atomic Energy Agency—it has the difficult acronym of IAEA; try saying that quickly!—as well as, here in

Australia, the Australian Nuclear Science and Technology Organisation, the Australian Safeguards and Non-Proliferation Office and the Australian Radiation Protection and Nuclear Safety Agency. As far as Australia goes, there is no choice. We must continue to work closely with other countries to strengthen nuclear safety and security and to promote international best practice. Simply put, the international community must work collaboratively to improve nuclear safety.

Since the Fukushima accident, the International Atomic Energy Agency and the United Nations Secretary-General have been coordinating improvements in nuclear safety internationally. The Secretary-General's high-level meeting on nuclear safety and security, as we have heard from Senator Ludlam, is scheduled for tomorrow in New York. I think that is during the UN General Assembly leaders week. Also this week, the IAEA is holding its annual general conference in Vienna, where nuclear safety is a central theme.

In May this year, Australia's foreign minister, Mr Rudd, outlined a number of ways to increase international action on nuclear safety. He explained the need for greater international oversight of nuclear safety under IAEA auspices through countries operating nuclear power plants and other facilities concluding bilateral safety agreements with the IAEA and through expansion of the IAEA's inspection role to encompass nuclear safety auditing. Mr Rudd has also proposed: augmented cooperation on emergency response and consequence management, including through the IAEA appointing an independent panel of international experts who could analyse incidents and provide advice on dealing with them; encouraging industry to share in-house compliance techniques; and cooperation by Australia with potential new nuclear energy entrants in our region. Elaborating on that

vision of the foreign minister's, Australia presented a nonpaper to the June IAEA ministerial conference articulating actions the international community could take to address gaps in the current safety arrangements. Those actions include IAEA coordinated independent fact-finding and review missions into nuclear incidents, and IAEA coordinated nuclear safety missions, as well as better national reporting through the Convention on Nuclear Safety national reports.

I am pleased that Australia has contributed \$100,000 to the IAEA for a study on marine impacts of radiation from the Fukushima power plant. I note that the United Nations Scientific Committee on the Effects of Atomic Radiation, of which the Chief Executive Officer of the Australian Radiation Protection and Nuclear Safety Agency, ARPANSA, Dr Carl-Magnus Larsson, is Australia's representative and vice-chair, is undertaking a program of work to address the source term, dispersion, deposition, health effects and environmental effects of the Fukushima accident, with a view to having an interim report produced in 2012—next year—and a final report available by 2013. I do think that it is beneficial to Australia that representatives of ARPANSA, ANSTO and ASNO are active members of the IAEA committees covering safety and security standards.

If the story of the Fukushima Daiichi nuclear power plant tells us anything, it is to reinforce in the most stark and tragic way how important nuclear safety is for all countries. The international community must continue to improve nuclear safety. It must learn the terrible lessons of the Fukushima accident and its aftermath. The High-Level Meeting on Nuclear Safety taking place tomorrow in New York is critical and I hope it will play a critical role in this important work. It is expected to endorse the Action Plan on Nuclear Safety that was conceived

by the Ministerial Conference on Nuclear Safety as the basis for important future work in this area.

I do remain confident that the current Australian government will continue to play a leading role in promoting tangible measures to improve nuclear safety around the world.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (16:56): Tomorrow the United Nations will be hosting a discussion on nuclear safety and security at the initiative of the United Nations Secretary-General. In the UN jargon, this is a high-level meeting. The meeting has its genesis in the unfortunate events in Japan last year. In preparation for the meeting a system-wide study was undertaken on the implications of the Fukushima accident. A solid 43-page document was issued in relation to this on 16 August this year. As a result, participating countries have had over one month to study the document. Can I say as an aside that that is refreshing given that this government only provided a Senate committee with a few minutes in relation to Treasury modelling on carbon tax. I never thought that I would hear myself say, 'Look at the United Nations for due process and proper procedure,' but when it comes to that, with all its flaws, the United Nations clearly is way ahead of this Labor government.

In the document that was circulated, in plenty of time for tomorrow's discussion, I note a number of observations. First of all, amongst other things, the document acknowledges the contribution that safe and scientifically sound nuclear technologies make to the agriculture and food production industries. So the nuclear sector is vital to the world's food task. If we want to deal with action on poverty we need a sensible, balanced approach to nuclear power. Indeed,

in paragraph 16 of the United Nations report of the Secretary-General, we are told:

Providing access to energy for the 2.4 billion people currently living in energy poverty is an important precondition for progress towards achieving the Millennium Development Goals.

Then it goes on to say—and I want to stress this:

All—

I underline 'all'—

energy sources and technologies will be required to meet that enormous challenge. Nuclear power has been and will remain a significant contributor to meeting global energy needs.

Thus achieving the Millennium Development Goals in fighting poverty. Indeed, we could move on to paragraph 88 of the report where, in relation to climate change, it says:

... one of the benefits of nuclear power is its very low greenhouse gas emissions, which help reduce all risks associated with climate change.

So I would invite the Greens to take a more balanced approach, as indeed the United Nations have, in relation to the issues that the world confronts following the unfortunate events in Japan last year.

Interestingly, we have heard Senator Ludlam and others from the Greens condemn the nuclear industry, by saying it is a thing of the past and it is a dying industry. Indeed, Senator Ludlum said, 'Nuclear is a declining industry, it is a dying industry and there is no turning back,' and phrases of that nature. If you actually turn to the United Nations document that I have in front of me, you will see that paragraph 17 is very informative:

As of July 2011, some 440 nuclear power reactors were operating in 29 countries, with 65 new reactors under construction. Interest in nuclear power, although impacted by the accident at the Fukushima ... nuclear power plant, remains high. Of the countries without nuclear power that before the accident had strongly indicated their intentions to proceed with nuclear power

programmes, only a few have cancelled or revised their plans, but most have not.

That is the reality of the world situation. No matter how the Greens come into this debate and try to spin, that is the reality. Anything that relates to nuclear gets the Greens up in arms, gets them on the front foot and on the attack. So if we were to call the 'nuclear family' the 'natural family' I wonder whether the Greens would be somewhat more supportive of the more traditional family role model. But I digress.

Having taken that slight whack at the Australian Greens, I can indicate that the coalition does not have any opposition to the two documents that Senator Ludlam sought to have tabled. So, if the Greens were to renew their request through their next speaker, the coalition would not oppose that request.

We ask for a sensible debate in this country. We are willing to sell our uranium to other countries in the world but not use it ourselves for power production. Until we get bipartisan support on that, I doubt it will happen in Australia. But it is the same attitude that the Labor Party takes to coal. We export our coal, without a tax, for other people to burn—that is morally okay—but we are not allowed to burn our own coal in Australia without putting a huge carbon tax on it, putting ourselves at a disadvantage. You really have to wonder about government policy on these matters. (*Time expired*)

The ACTING DEPUTY PRESIDENT (Senator Marshall): Senator Ludlam, I now invite you to seek leave to table the documents.

Senator LUDLAM (Western Australia) (17:03): I appreciate that, Mr Acting Deputy President. I thank the Senate and I thank Senator Abetz. I seek leave to table the two documents, as indicated in my speech.

Leave granted.

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (17:03): I rise today to congratulate Senator Ludlam on bringing this matter of public importance to the Senate, because very few Australians would be aware that there is a very high-level meeting on nuclear safety and security to be held tomorrow, 22 September, at the United Nations headquarters in response to a call by the Secretary-General of the United Nations, Ban Ki-moon, following the disaster at the Fukushima Daiichi nuclear plant. I am delighted that we have this opportunity to discuss the UN report. I congratulate, again, Senator Ludlam for tabling the report that will be discussed at that high-level meeting. I would urge senators to read the report and consider it.

Interestingly, earlier this year, on 18 April, the Secretary-General of the United Nations called for a global rethink of nuclear energy and safety. After the Fukushima disaster, people around the world began to really think about the implications of a major nuclear disaster. I note that, in recent days, the former Japanese Prime Minister came out saying that he sought advice in the early days after the disaster of what it would take if Tokyo, with its 30 million people, had to be evacuated. That is what he was grappling with in the first days after the disaster and has subsequently said that the power company involved was extremely unhelpful in providing the kinds of details that he needed to know in thinking about and making those kinds of plans. But think about it for a moment: imagine a situation in a developed country, such as Japan, where somebody has to think about moving 30 million people and what it would mean. As he said, it would mean that Japan would cease to exist and operate as a nation-state during a period where you are trying to manage that kind of disaster. It is worth actually considering that.

I note that Senator Abetz was very selective in the way that he responded to this matter. He noted, for example, in relation to food, that one of the UN agencies, the Food and Agriculture Organisation, did contribute in the section on agriculture and food security about the contribution of nuclear energy and nuclear technology for food security. But the report also recognised that a nuclear accident involving the release of radioactive material will result in:

... serious radioactive contamination of water, agriculture, aquaculture, fisheries and forestry productions as well as wildlife, thus posing a serious threat to veterinary and public health, food security and trade, with direct implications on the livelihoods of people.

So let us get that absolutely straight: a nuclear accident of this kind will lead to contamination and will have massive health and also food security impacts, as we have seen with the level of contamination of food in the immediate area of Fukushima. In relation to the achievement of the Millennium Development Goals, Senator Abetz quotes that the IAEA suggests that the provision of access to energy for the 2.4 billion people currently living in energy poverty is an important precondition for progress towards achieving the Millennium Development Goals. We totally agree. Energy is important in delivering the Millennium Development Goals, but nuclear power is not the answer to doing that, because we are talking here about costs and risks, and in fact it is distributed energy produced by renewable energy that has a much greater opportunity and chance to be able to relieve poverty. I put it this way: in the UNDP report they note that sustainable development will require the cost per megawatt hour of electricity to be less than three per cent of per capita income. Since the majority of those in need of energy live in countries where annual per capita incomes are under

\$1,000, the need is for technological options in the range of \$30-\$50 per megawatt hour. With nuclear you are not going to get it anywhere under \$100, if not more as we go into the greater risk parameters that you are going to have to pay for if you are going to try and develop nuclear energy. So what we should be doing is opposing the idea that you would try and drive nuclear energy, centralised systems requiring governments to underwrite them in terms of cost, posing difficulties for local communities. Instead, you would support Australian technology in thin film solar, for example, which is a new and exciting area of solar. It is now biodegradable and is entirely consistent with aspirations for providing energy to developing countries. We will see that Australian technology roll out over time and we going to see it make a big difference in the developing world.

On climate change, there is this ridiculous assertion that nuclear energy is required to address climate change. It is actually the opposite. In this report it states that the assumptions that need to be reviewed are regarding the types of accidents that are possible. The report says that an assessment of those accidents was way too modest and that they need to look at the possible effects of climate change in relation to nuclear energy. That is because nuclear cannot take the heat. We have seen right around the world in the last decade several occasions where nuclear reactors have had to be closed down because of extreme heat conditions, which will be increasing as the rate of climate change accelerates.

Let me give you a few examples. In July 2010 in Alabama we saw the shutdown of nuclear facilities to the point where it cost that energy agency or energy department \$50 million, all of which had to be paid for by customers in Tennessee, when they had to close down the reactors because they could

not cool them, there was no water to be able to do it, and also they could not dispose of the hot water into river systems which were already depleted. At about the same time we had exactly the same situation in Europe. For example, in the summer of 2003 during those record-breaking heatwaves millions of people across France and Italy suffered through extended power shortages after the French network of 19 nuclear power plants had to reduce their operations. Seventy per cent of France's electricity comes from nuclear power. Italy also purchases about a third of its electricity from French nuclear providers. During the heatwave those countries had to basically cut down on use and promote energy conservation. There were blackouts and the result was that many aged people, hospitals and so on experienced those blackouts, and it was appalling. That is why France is now one of the countries in Europe most rapidly embracing renewable energy technology, because they recognise that in extreme weather events nuclear is no good, the reactor has to be shut down.

So let us get this very straight: rather than being a solution to climate change, nuclear is actually significantly undermined by climate change. The coalition does not want to address climate change, but we are going to have more extreme weather events in Australia, more high-temperature days. It is completely unsuitable technology in this country. But I do want on the record that Senator Abetz reiterated that it is coalition policy to build nuclear reactors in Australia. He still has not said where he would build them—

Senator Bernardi: That's not true.

Senator MILNE: Senator Abetz said that. Just a few minutes ago he said that as far as he was concerned the Labor Party is not wanting to support nuclear reactors, clearly the Greens do not, and he was hoping

that that would be rethought. It is coalition policy and Senator Abetz has made it clear. In the face of climate change, getting nuclear reactors is so ridiculous, and in face of the disaster that has been Fukushima it is strange that anybody could be talking about promoting nuclear energy. There we had Ziggy Switkowski doing just that. He did not go and stand outside Fukushima, though, did he, when he was busy talking about the low level of risk. He should have gone straight there if it were so low-level risk. But no, it is the Japanese people who are suffering because of this.

I hope that at this meeting in the United Nations tomorrow they will not only consider this but look at the IAEA and say that this organisation needs to split its responsibilities for looking at nuclear proliferation and for its promotion of nuclear as a technology. They need to split the regulatory authority from the promotion, and that is one of the very positive things that should come out of this meeting tomorrow.

Senator BERNARDI (South Australia) (17:13): In rising to make a contribution to this debate I acknowledge that Senator Ludlam has had a longstanding and serious interest in, and opposition to, nuclear energy. He has not yet succumbed to the hysteria and hyperbole that we just heard from Senator Milne. Senator Milne was on about how nuclear was unreliable, and I can only presume that her endorsement of renewable energy has conveniently overlooked the fact that the recent high winds in the UK forced them to close down the wind farms there because they were at risk of collapse and catching on fire and actually overpowering the electricity grid. I also note that Senator Milne criticised Dr Switkowski for not standing in front of the Fukushima nuclear power plant in Japan to make his announcements about the safety of nuclear energy. I also note that Senator Milne has not been

standing in front of the geothermal technology company in South Australia, where one exploded recently. Let us call this for what it is. It is another scaremongering tactic by an extreme green movement that is seeking to exploit a tragic circumstance and a very dangerous circumstance—I will acknowledge that—for their own base ends. There is no doubt that what happened in Japan was bad. It was a disaster for the Japanese people but we have to look at the fact that this reactor was built on old technology—40-year-old technology. Clearly it was built in the wrong place and without due consideration of the earthquake risk and the tsunami risk that it was placed under. All of these things can be overcome if you can overcome an irrational fear of nuclear energy. But, of course, the Greens specialise in irrational fear to pursue equally irrational policy agendas. Senator Ludlam, as I said, has not quite succumbed to that as yet.

But the Greens clearly want a baseload power system built on the most unreliable of technologies, which is renewable energy technology. We know it is prohibitively expensive. We know that it will not provide for Australia's base power needs. And it is startling to hear Senator Milne defend the provision of electricity to people all over the world when the Greens and Senator Milne herself want to basically shut down our baseload power generation capacity in Australia. Make no mistake: this is part of the Greens policy agenda. They do not want to see any new coalmines. They do not want to see any more coal fired power stations. But this is only part of their extreme policy agenda.

Might I remind this Senate that Senator Bob Brown, the Leader of the Greens, actually wanted and has previously called for a registration system for businesses based on the religious belief of their owners. This was rapidly removed from the Greens website,

but I still have the press release. Senator Bob Brown wanted to have a register of businesses based on the religious belief of the owners. This is the same organisation that promotes and supports boycotts of businesses that do business with Israel or that are owned by Jewish business owners. This is an extreme agenda that is very damaging to Australia because it does not confront the reality.

We know that the hypocrisy of the Greens has been demonstrated over and over again. I remember when Senator Bob Brown was quoted as saying: 'People do not make large donations to political parties without having in mind favour in return.' I wonder what you get when you take the largest corporate political donation in the history of this country. There have been some suggestions—it is just a coincidence, we know—that when Senator Bob Brown rose and asked a number of questions in this place that were directly relevant to the business interests of that \$1.6 million donor to the Greens, accusations of hypocrisy and accusations of conflict of interest could have been levelled. But, of course, the Greens washed their hands of it.

I mention these things because we need to put it in perspective: the Greens are an alarmist movement that will seek to trade and profit from human misery because that will suit their political agenda. Their agenda is, quite frankly, one that wants to reduce human kind to just another species amongst species. We are the same as rabbits and monkeys and anything else. Once again, that is in the Greens manifesto, which was written by Bob Brown and that man, Peter Singer, in 1996. It effectively equates humans with just about every other animal species. Little wonder they want to shut down the embracement of technology that can actually supply Australia's and the world's electricity needs in a manner that is

consistent with the global desire to reduce carbon dioxide emissions. They make no bones about that, notwithstanding what Senator Milne said.

Nuclear energy is one of the few low-emissions technologies that can provide baseload power. We know that. It has worked elsewhere in the world. Senator Milne in her rush to criticise nuclear power all over the world conveniently overlooked the fact that the nuclear industry in somewhere like France supplies a lot of western Europe with their electricity needs. Indeed, you would not have the opportunity to use as much electricity in places like Italy without France's provisions.

We need to be aware of what the real agenda is here. It is not about the national interest. It is not about Australia's interest or about provisioning, protecting, defending or preparing ourselves for the requirements of future generations. This is about pursuing an ideological agenda. The tragedy in Japan is simply part of that. It is no doubt a tragedy. It is something that we will have to learn from, but it is not the reason that we should shut the door to examining the application of nuclear energy and its respective benefits right around the world, and that includes here, in Australia.

Contrary to what the Senate has been told, it is not coalition policy to build nuclear power plants. We acknowledge that nuclear should be examined as a potential solution that is consistent with our desire to reduce carbon dioxide emissions, but we cannot pursue this policy agenda without bipartisan agreement. Everyone acknowledges that. We know also that the Labor Party is not party to that agreement yet, because clearly the Greens tail is wagging the dog. Although, I do note that clear thinkers like Martin Ferguson MP have tried to put this on the ALP policy agenda. So I say to Australians:

they should not succumb to this green—
(*Time expired*)

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (17:20): I can endorse those comments of Senator Bernardi's that Minister Ferguson is a very clear thinker—

Senator Bernardi: He is one of yours.

Senator FARRELL: No, he is not one of mine to be perfectly honest.

Senator Bernardi: He's one of Gavin's.

Senator FARRELL: I do not think he is one of Gavin's either.

Senator Fierravanti-Wells: He's gone out on his own, has he?

Senator FARRELL: He has got his own set of friends, although Deputy President Marshall might be more informed than I am on the Balkanised ways of the Victorian Labor Party. But we are not here today to talk about that issue; that should be for another day. We are here today to talk about Senator Ludlam's MPI. The starting point might be to recall that, 25 years ago, we had the Chernobyl tragedy, which occurred in what was then part of the Soviet Union and is now the state of Ukraine. What we saw in March this year with Japan's Daiichi nuclear power plant in Fukushima reaffirmed the importance of sound nuclear emergency response mechanisms and the highest possible standards of nuclear safety.

I would particularly like to talk today about Australia's initial response to the Japanese disaster. In the immediate wake of the earthquake and tsunami, the Australian government responded extremely quickly to ensure the safety of Australians in Japan as well as to offer assistance to the Japanese government and, more particularly, the people of Japan. The Australian government, on behalf the Australian people, donated \$10 million to the Australian Red Cross Japan

and Pacific Disaster Appeal and provided very early and extensive support. Part of that support included a 72-person urban search-and-rescue team with two sniffer dogs, which was one of the first overseas teams on the ground in Japan. In addition, a 22-strong Defence team participated in Australia's response. We sent three Royal Australian Air Force C17 aircraft and airlifted a total of over 450 tonnes of cargo over 12 days to support the relief operation in Japan. Two of those RAAF C17 aircraft were also used to transport specialised pumping equipment from Perth to Japan, with Australian technicians who helped to set up the equipment and provide the training for using them to the Japanese technicians. The pumping equipment directly contributed to efforts to stabilise the situation at the Daiichi nuclear power plant.

One hundred and fifty Australia based and locally engaged staff provided consular support, and coordinated information and support with Japanese officials, through our embassy in Tokyo. Australia also deployed consular staff to Sendai as soon as it was possible after the tsunami. We were in fact the first team to be deployed in the area and the last to depart. In total, over 230 Australian officials served in Japan to provide consular services to Australians and to assist Japan with its very difficult recovery efforts.

The crisis centre at the Department of Foreign Affairs and Trade—and I have had some experience with them in recent times—received over 11,000 phone calls over the period of the crisis. The Australian government was able to confirm the safety of 5,239 Australians in Japan, including 417 in the tsunami and quake affected areas of the country. All the Australians of whom DFAT was aware were accounted for and, thankfully, there were no Australian casualties. So often, when these sorts of tragedies overseas

occur, Australians are involved; but on this occasion, importantly, there were no Australian casualties suffered.

Australia is taking a very active role in the broader international action on nuclear safety. In terms of the broader implications of the Fukushima accident, the Australian government recognises the importance of the international community working collaboratively to improve nuclear safety through the promotion of best-practice standards. We just heard Senator Faulkner talk about some of these initiatives. They include, firstly, greater international oversight of nuclear safety, including through the bilateral safety agreements with the IAEA, the International Atomic Energy Agency, and their nuclear safety auditing; secondly, better international coordination of emergency response and consequent management; thirdly, encouraging industry to share in-house safety standard compliance techniques; and, fourthly, cooperation from Australia with, potentially, new nuclear energy market entrants in our region.

There has been a meeting of the IAEA. They hosted a conference on nuclear safety that was held in Vienna in June. I know Senator Mark Bishop, who is in the chamber, has been to Vienna on at least one occasion. At this conference, we outlined several actions the international community could take to address gaps in current—

Senator Fierravanti-Wells: Did you waltz, Senator Bishop?

Senator FARRELL: I think that was in a different country, Senator!

Senator Fierravanti-Wells: Tell us more, Senator Farrell!

Senator FARRELL: The paper that Australia presented to the conference in Vienna addressed what we considered to be gaps in safety arrangements and outlined actions to address them. These included independent fact-finding and review mis-

sions for nuclear incidents—again, to be coordinated by the IAEA; nuclear safety missions, also coordinated by the IAEA; and improved national reporting under the provisions of the Convention on Nuclear Safety. That IAEA meeting endorsed a vision for improvements in the form of a practical action plan on nuclear safety. That action plan incorporated a number of ideas advanced by Australia and our foreign minister for improving nuclear safety. Those included, firstly, the IAEA conducting fact-finding missions when nuclear accidents occur and publishing those results; secondly, an expansion of the IAEA's nuclear safety review role; and, thirdly, greater transparency by states in reporting their nuclear safety activities.

The High-Level Meeting on Nuclear Safety and Security which Senator Siewert mentioned will be convened by the United Nations Secretary-General, Ban Ki-moon, tomorrow in New York. Australia hopes that the meeting will formally endorse that action plan. Importantly, the action plan recognises that all countries have a stake in nuclear safety, whether or not they have nuclear programs of their own. *(Time expired)*

Senator FIERRAVANTI-WELLS (New South Wales) (17:30): My colleagues have previously spoken about safety and the importance of ensuring that nuclear power plants have the appropriate safety mechanisms. I endorse those comments. I also endorse the comments that Senator Abetz made before me about the need to have a balanced consideration of this matter. Of course, we are all concerned about what happened and the disaster that happened at Fukushima as a consequence of the tsunami. But the other side of the equation is that nuclear power is the source of energy for millions of people around the world.

It does need to be a balanced debate, but balanced is certainly something the Greens are not. Senator Abetz mentioned the United Nations report and cited some statistics from it. It is clear that the Greens do not have a very balanced view as far as nuclear energy is concerned. Their policies are about a nuclear-free Australia. Indeed, they are about a nuclear-free world. One only has to look at their policies to see just how extreme they are. For example, they want to close the nuclear reactor at Lucas Heights. Forget the probably millions of people in Australia who have had the benefits of nuclear medicine over time and the good things that the existence of that reactor has been able to provide to Australians on a daily basis. Forget all of this.

Let us look at some of these extreme policies of the Greens. We know about the formal alliance with the Gillard government and the influence of the Greens now that they have control and the balance of power in the Senate. Bob Brown is on the record about the agenda of the Greens and I quote—

The ACTING DEPUTY PRESIDENT (Senator Back): Order! Senator Fierravanti-Wells, would you refer to Senator Brown as Senator Brown.

Senator FIERRAVANTI-WELLS: I withdraw that. Senator Bob Brown is on the record about the agenda of the Greens. On 25 August 2008, he said:

The Greens are about re-creating Australia for the new century street by street, community by community, city by city.

The Greens want to transform Australia root and branch, not for the better but for the worse. Their goal stretches well beyond the introduction of a job-destroying economy-wide carbon tax that will push up prices and add further to the cost-of-living pressures under which Australian families are already

struggling. Lindsay Tanner back in 2004 said:

We might have the Greens with the balance of power ... and in order to form government Labor might have to do some of the mad things they want.

Let us have a look at some of those loony, loony policies.

In the economic policy from the Greens' radical agenda they talk about introducing road congestion taxes, means testing first homeowners grants, treating family trusts as companies and introducing death duties. In the energy sector they are opposed to the exploration, mining and export of uranium. They are opposed to the diesel fuel rebate. They are opposed to government funded research and development for geosequestration technology. They want to shut down existing coal mines and coal fired power stations. Imagine what the cost of this will be on ordinary Australians, who are already struggling to confront the increase in electricity prices that will be brought by a carbon tax. Imagine no new coal mines, no new coal fired power stations and no expansion of existing coal mines. It was interesting to hear Senator Abetz the other day say that Senator Bob Brown has become a convert. At the time of the Franklin dam he was happy to have a coal fired power station, but he has changed his mind since then.

Look at their other policies in the social and community area: legalising cannabis, supporting needle and syringe exchanges, banning junk food advertising, giving 16-year-olds the right to vote and changing the national flag. In education there is the classic: freezing private school funding. How can we get across Senator Rhiannon and her extreme BDS anti-Israel stance? There is their abolishing of private health insurance. The list goes on and on. *(Time expired)*

The ACTING DEPUTY PRESIDENT: Order! The time for this discussion has expired.

COMMITTEES

Scrutiny of Bills Committee

Report

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (17:37): I present the 11th report of 2011 of the Senate Standing Committee for the Scrutiny of Bills. I also lay on the table Scrutiny of Bills *Alert Digest* No. 11 of 2011, dated 21 September 2011.

Ordered that the report be printed.

Senator FIFIELD: I move:

That the Senate take note of the report.

In tabling the committee's *Alert Digest* No. 11 of 2011, the Senate may be interested to know that the majority of the bills scrutinised for this *Alert Digest* relate to the government's climate change package. In scrutinising the provisions of the 19 bills forming part of this legislative package against the principles outlined in standing order 24, the scrutiny committee has identified a number of provisions for comment. The issues raised are those typically considered by scrutiny bodies. In relation to many of the provisions, the committee had enough information available to it to outline the particular circumstances, discuss the scrutiny principle of interest and then draw the provision to the Senate's attention for further consideration. However, in relation to a few provisions, the committee is of the view that further information is required to fully understand the justification for the proposed approach. These are also outlined in the *Alert Digest* and the committee will write to relevant ministers seeking advice on the points raised.

I also take this opportunity to draw the Senate's attention to a topic of particular interest to it at present. The committee is

currently focusing on practical ways in which to improve the scrutiny of uniform national legislative schemes. These schemes involve cooperation between jurisdictions and they can be founded on intergovernmental agreements and text based referrals of legislation. The concern is that bills can be presented to parliament with advice that, for the Commonwealth to be able to rely on the referral from the states and territories, the bill cannot be substantially amended from the form in which it is first introduced. Although the parliament technically retains the right to significantly amend any bill that is before it for consideration, as this circumstance highlights, in practical terms this is not always realistic. The scrutiny committee can provide technical advice about bills to ensure that they are consistent with scrutiny principles. This can assist to avoid legal deficiencies and subsequent challenges to legislation, but the committee's advice cannot be put to good use if it is not implemented.

The committee intends drawing the issue of the scrutiny of national schemes of legislation to the attention of ministers as relevant bills are introduced. The committee will seek to work with ministers to identify effective ways in which to provide our technical expertise at an early stage in the development of cooperative scheme laws without jeopardising any proposed legislative schemes. We are also considering this issue more broadly as part of our current inquiry into the committee's future role and direction.

In conclusion, the full details of the committee's views about the bills it considered this week are available in the *Alert Digest* and in the report which is being tabled today. I commend the committee's *Alert Digest* No. 11 of 2011 and the 11th report of 2011 to the Senate.

Senator BIRMINGHAM (South Australia) (17:40): I appreciate the opportunity to comment on this report and to take note of it and I certainly look forward to looking with a great deal more scrutiny myself at the report which Senator Fifield has just tabled and provided some details on. The Senate Standing Committee for the Scrutiny of Bills is one of the more important but less noticed committees of this parliament.

Senator Mark Bishop: So you haven't read the report yet but you are speaking to it?

Senator BIRMINGHAM: Senator Bishop, the report has only just been tabled, but this is the opportunity to take note of it. I am speaking to it because there is some great irony, I find, in a discussion about proper scrutiny given the 19 climate change bills that are before us, which Senator Fifield referred to. We are seeing far from proper scrutiny of those bills. Yes, the scrutiny of bills committee has gone through its usual process and, as Senator Fifield highlighted, it has found a number of areas where there are provisions about which they have concerns. They will write to the relevant ministers, seeking additional information to justify the direction the government is taking with this legislation. That is welcome, but in other ways, and especially when considered against the normal processes of this place, these climate change bills are receiving no such appropriate scrutiny.

These climate change bills are being rushed through the parliament on a fixed deadline agreed in both chambers by the Labor Party and their coalition partners in government. They have set this arbitrary deadline and, in doing so, they have set up a shotgun inquiry which is being held under the most ridiculous terms and conditions that any substantial legislative package of this type has ever been considered under. In

comparison, look at what happened when the GST and the A New Tax System reforms went through this place. We saw months of genuinely independent, or at least opposition-led, inquiry into the detail of those legislative packages. Five committees were set up through this place, each of them looking, over a period of four to five months, at the detail of those bills, each of them going out and taking submissions and evidence from interested parties right around the country and each of them with a reasonable time frame in which to do all that.

Compare and contrast that with what we have for the carbon tax. The government have introduced 19 bills into the other place and their approach to assessing and considering them has been to establish a select committee. It is not a balanced select committee, mind you, but a select committee on which the government, together with the Greens and an Independent member—all of them part of the government's coalition arrangements—overwhelmingly outnumber the representatives of the opposition. They have seized total control of the committee, appointing a Labor member as its chair and a Greens senator as its deputy chair. When the GST bills were considered, those committees were chaired by Labor senators with Labor majorities. However, so much is the government wishing to totally control this process of consideration and public debate on its carbon tax that it has had to seize total control of this committee. It has thrown out all long-standing parliamentary conventions that where a chair is from one side a deputy chair is from the other side, ensuring some semblance of balance in the organisation and coordination of the committee. It has thrown that out in favour of having their own coalition partners running the show with them.

What about the timing of it? The timing of it does not exactly allow for proper scrutiny either. This is a rushed committee, a rushed

inquiry—it has 20-odd days from go to whoa to get the job done, to thoroughly assess and analyse the details and merits of these 19 bills and make any recommendations after taking evidence about the content of those bills. That is a virtually impossible task in such a short period. The government has set and has forced the committee to set an equally impossible task for the Australian public, because the Australian public was given just six days to make their submissions on the legislation before this parliament—Australians have been given just six days to make submissions on the 19 bills, on the more than 1,100 pages of proposed new laws for this country contained in the carbon tax legislative package.

My message to Australians is: do not be deterred, do not be held back by the government's contempt for you and its contempt for proper commentary, proper scrutiny and proper accountability—please make sure you get your submissions in. Australians have slightly less than 24 hours now to get their submissions into this inquiry. It has been a terribly rushed process, but I would urge anybody listening to this broadcast to go onto the Parliament House website and make a submission to the committee, with of course its very spin-generated name of the Joint Select Committee on Australia's Clean Energy Future Legislation. It is a little bit of a mouthful but I am sure anybody who wishes to make a submission will be able to find its webpage and get their voice heard no matter how hard this government tries to stifle them.

Sadly, in terms of actually taking evidence and scrutinising this legislation around the country, the committee finds itself totally hamstrung by the government-Greens-Independent majority. The committee will not take evidence anywhere away from the eastern seaboard. That is a concern to me and

I am sure to you too, Mr Acting Deputy President—

Senator Adams: And it is a concern to me.

Senator BIRMINGHAM: And it is certainly of concern to Senator Adams as well, as it would be. The committee and coalition members have argued that we should be going west and that we should hear from the people of Western Australia who have such concern about this carbon tax. But, no, that idea has been blocked—the committee will not be going to Western Australia; it will not take evidence in my home state of South Australia either, or the Northern Territory or Tasmania. We are not quite sure yet whether the committee will even get to Queensland and perhaps hear from somebody outside one of the big cities and actually visit one of Australia's regional centres, particularly those regional centres hit so hard by the carbon tax proposal. No, the government, because of the time line it has imposed, because of the ridiculously tight time line for this committee to report, has instead put in place an arrangement where the committee will hear some evidence in Canberra and hear some evidence in Melbourne, and we are still arguing for one extra sitting day for this committee to take evidence into the carbon tax proposal out into the region somewhere, out into a regional area where we can hear from those interests across the agricultural sectors, the mining sectors, the exporting industries, the manufacturing industries, the tourism industries—so many of the sectors that will be directly affected by this carbon tax legislation and have been given such minimal time and opportunity to comment on it.

Even today we saw the ultimate in farce—this committee met for the first time for a public hearing and heard from government officials including officials from the

Treasury. You would have thought that, in this process, the committee would have the opportunity to question officials from the Treasury about the latest Treasury modelling into the carbon tax. But, no, the government in its wisdom, despite having finished the modelling last week, despite the Treasurer drip feeding selected parts of it out on the weekend, decided not to release this modelling until the final few minutes before the hearing commenced this morning, thereby making it nigh on impossible for the committee to properly scrutinise the Treasury information upon which this legislation rests.

I welcome this report from the Standing Committee for the Scrutiny of Bills. I am pleased that it has been at least able to fulfil its usual task in this legislative process. It is perhaps the only parliamentary committee that has been able to fulfil the normal process of legislation and consider the legislation—all others appear to have been stifled when it comes to scrutiny of these bills. I commend the report, as Senator Fifield did, to the chamber.

Question agreed to.

MINISTERIAL STATEMENTS

Second Anniversary of Pension Reforms

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (17:51): On behalf of the Minister for Families, Housing, Community Services and Indigenous Affairs, Ms Macklin, I table a ministerial statement on the second anniversary of pension reforms.

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:51): by leave—I move:

That the Senate take note of the document.

The Greens join the government and I hope all Australians in acknowledging the second anniversary of pension reforms and the increase in the age pension. I am sure many people in this place remember all the times that Senator Brown and I and a number of other senators spoke about the need for increases in the pension rate in this country, and we campaigned very strongly for that. Of course we welcome, and we always have welcomed, the increase in the age pension. I acknowledge that this is the second anniversary. However, I draw attention to the conclusion of the statement where it says:

This government, like Labor governments before us, is driven by our belief in a fair society that rewards a lifetime of work.

It goes on to say:

We are driven by our sense of responsibility to ensure that no Australian is left behind.

The unfortunate situation in this country now is that we have such a differential in the series of payments for people on income support and social security. The safety net that we supposedly have built into our society with social security payments unfortunately has some massive holes in it, and they have been perpetuated by the increase in the age pension. As I said, we totally support the increase in the age pension. We always did; we campaigned very strongly for it. But we have seen a growing disparity between those on the pension and those on allowances.

For example, we now have a gap of \$128 a week between Newstart and pension rates. That is a very significant amount of money. We also have a government now that is taking its 'tough love' approach to those seeking income support, for example those living with a disability and who seek support from the disability support pension. The same government that wants to see no Australian is left behind is making it even

harder for people with a disability to get the disability support pension. The government is making them prove that they have tried to find a job over 18 months or to keep sustained employment over 18 months. During that period they are supposed to exist on a Newstart payment that is \$128 a week less than if they received the disability support pension or the age pension. These are people living with a disability, who we are supposed to give a leg up to find a job.

In the Senate Community Affairs Legislation Committee's report on impairment tables—we will be debating it probably the next time we sit—it was clearly highlighted by witnesses to the committee how difficult it was to survive on Newstart at \$128 a week less than the age pension or the disability support pension. They also highlighted how much harder it is to live with a disability and try to find work. These are people to whom we say, 'If you can work 15 hours a week, you have to continue trying to find a job for 18 months and survive on Newstart.' If you have a significant disability, it costs you a lot more money to try to find work. It is a lot more difficult to sustain work. We have seen evidence that, of the people with a disability in this cycle of trying to find work, only 16 per cent are managing to find what was termed 'sustainable' work—in other words, work beyond 26 weeks. So people are cycling in and out of part-time work, which of course is not a full-time wage, and trying to sustain themselves from that and Newstart.

It is a great shame that we think it is okay to treat people that way, and it is a great shame that when this much-appreciated increase in the age pension went through we did not flow through those payments to those living on youth allowance, for example, and those living and trying to find a job on Newstart. While we are doing that, as I said, the government says it is trying to encourage

people into work. We do not think that the process the government has set up will do that. By doing that, it is demonising people. It ensures that people are forced even further into poverty and we know that once people are in a poverty trap and have been unemployed long term, it is much harder to get out of that poverty trap.

The point I make to the government is that it is all very well to pat yourselves on the back saying, 'Look what jolly good fellows we are, responding finally to community concern about the age pension,' but what are you doing about those living with a disability? What is the government doing to make sure that those on Newstart are genuinely supported and are not living in poverty? People on Newstart now have to live in poverty. You only had to listen to the radio this morning when payday lenders were discussed. The reason that people have to go to payday lenders is that they cannot afford to live. They live from week to week and have to make their social security payments stretch. They cannot, so they are forced to go to payday lenders. That is why they are being abused in that process.

We are not ensuring that there is a minimum living payment for someone to live on. We do not recognise that people need a minimum standard on which to survive. The value of the Newstart payment is going further and further down and not only are people struggling on Newstart but also we saw during the budget process that family benefit payments were frozen. I know people think that is only a small amount of money but when you exist on only a small amount of money every dollar counts.

Every budget decision and every payment decision this government has made has essentially further slashed payments to those most disadvantaged in our community. I urge the government to take a proper look at the

tax and transfer process during the tax forum—or summit; whatever it is called this week—so that people are guaranteed a minimum living wage payment. It is essential that we treat people in our community with respect and ensure that which the government says it is committed to—that no Australian is left behind and that we do have a fair society. If we do not address this issue now, our society will not be a fair one and will become more and more unfair. More and more Australians will be left behind. Question agreed to.

DOCUMENTS

Tabling

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

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

COMMITTEES

Regulations and Ordinances Committee

Membership

Senator CARR: by leave—I move

That Senator Urquhart be discharged from and Senator Marshall be appointed to the Standing Committee on Regulations and Ordinances.

BILLS

Extradition and Mutual Assistance in Criminal Matters Legislation Amendment Bill 2011

Parliamentary Service Amendment (Parliamentary Budget Officer) Bill 2011

First Reading

Bills received from the House of Representatives.

Senator CARR: I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second

reading has been adjourned, I will be moving a motion to have the bills listed separately on the *Notice Paper*, I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (18:02): I table a revised explanatory memorandum relating to the Extradition and Mutual Assistance in Criminal Matters Legislation Amendment Bill 2011 and I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

EXTRADITION AND MUTUAL ASSISTANCE IN CRIMINAL MATTERS LEGISLATION AMENDMENT BILL 2011

Crime has significant social and economic costs that undermine our safety, security and prosperity. Our increasingly global world is presenting new opportunities for criminal groups to expand their illicit enterprises beyond traditional state borders, and escape justice. This means that a high level of international cooperation is crucial to effectively combat crime.

Australia's current extradition and mutual assistance legislation was developed over 20 years ago. There was no internet in 1988 and mobile phones were a new commodity. International travel has become much more common, and the international financial system more accessible. These developments have meant that our laws no longer meet the needs of Australia's international law enforcement activities as effectively as they used to.

A comprehensive review of Australia's international crime cooperation laws was

therefore timely. In 2006, discussion papers were released for public consultation that proposed fundamental reforms to Australia's international crime cooperation laws and procedures, including in the areas of extradition and mutual assistance. The concept of this Bill evolved out of that review and drafts of the Bill were released for public consultation in 2009, and again in January this year. Over 40 submissions were received and the Government has carefully considered the views raised in both consultation processes in developing the final version of this Bill.

Essentially, the Bill has two key objectives: to streamline and modernise the process for extradition, and to ensure Australian authorities can offer a comprehensive range of assistance to our international criminal justice partners.

Streamlining extradition

Faster and simpler surrender procedures will ensure that accused persons avoid unnecessary delays and this will also assist Australia to fulfil its international obligation to secure the return of alleged offenders to face justice, promptly and efficiently.

Waiver of extradition

The process for extraditing a person can be cumbersome and take several months to finalise, even if a person has consented to their extradition. The Bill will allow a person, who consents to being extradited, to waive the extradition process subject to certain safeguards. The Bill will allow a person, once arrested, to immediately elect to remove him or herself from the extradition process and be surrendered to the foreign country. As not all stages of the extradition process would be required to be completed, the extradition process will be significantly streamlined where a person elects to waive extradition. Although this will mean that not all stages of the extradition process will need to be completed, the safeguards built into the extradition regime will still apply. Firstly, a magistrate must be satisfied that the person understands the consequences of waiving extradition. Secondly, despite a person waiving the right to be subject to the extradition process, the Minister would not be able to surrender the person if the person would be in danger of torture or subject to the death penalty.

Streamlining the early stages of extradition

The Bill will also streamline the early stages of the extradition process. Currently, dual criminality and 'extradition objections' are factors which must be considered by the relevant Minister when deciding whether to accept an extradition request. Both of these factors are then also considered by the magistrate when deciding if the person is eligible for surrender, and extradition objections are again considered by the Minister when deciding whether or not to order a person's extradition.

The Bill will remove the requirement for the relevant Minister to consider these factors at the initial stage of accepting the request. However, both factors will continue to be considered by a magistrate when conducting extradition proceedings, and extradition objections will continue to be considered by the Minister when deciding whether to surrender a person.

Ensuring criminals do not escape justice

The Bill will also ensure that persons who have committed crimes do not escape justice simply because the person is not able to be extradited.

Prosecution in-lieu of extradition

Currently, a person can only be prosecuted in Australia in lieu of extradition where extradition has been refused on the basis that the person is an Australian citizen. This Bill will enable a person to be prosecuted in any circumstances where Australia has refused extradition. This will ensure that refusal to extradite does not mean that a person escapes justice.

Improving safeguards in extradition

The Bill will improve safeguards for persons subject to the extradition process.

Extending the availability of bail

Currently, a person may be granted bail during the early stages of the extradition process. However, once a magistrate decides a person is eligible for surrender, he or she must be committed to prison. The Bill will extend the availability of bail to persons who have consented to extradition or been determined eligible for surrender by a magistrate. This will ensure that where special circumstances justifying bail exist,

the person will not be kept in prison at the later stages of the extradition process.

Strengthening torture protections

The Bill will also strengthen protections where there are torture concerns in the requesting country, by ensuring the wording in the Extradition Act is consistent with the United Nations Convention against Torture. This will ensure that terminology used in our domestic regime mirrors our international obligations.

Discrimination on the basis of sex or sexual orientation

Further, the Bill will include a new ground for refusing extradition where the person may be punished, or discriminated against, upon surrender on the basis of his or her sex or sexual orientation. These additional grounds complement the general discretion to refuse to extradite a person which allows the Minister to take into account all relevant considerations and representations as to personal circumstances such as a person's gender identity, and related health and humanitarian considerations.

This will demonstrate Australia's firm position against this type of discrimination.

Mutual assistance amendments

The second key purpose of the Bill is to make a range of amendments to improve the operation of Australia's mutual assistance regime.

Strengthening safeguards

The *Mutual Assistance in Criminal Matters Act 1987* already contains grounds on which the relevant Minister may or must refuse a mutual assistance request from a foreign country. The Bill will make a range of amendments to strengthen and improve the operation of the grounds for refusal.

Firstly, the Bill will expand the operation of these grounds of refusal to make clear that they apply at the investigation stage as well as at the prosecution stage, and also to proceeds of crime related requests.

Secondly, the Bill will expand the discrimination ground of refusal to include discrimination on the basis of sexual orientation.

Thirdly, the Bill will extend the death penalty ground of refusal to circumstances in which a

person has been arrested or detained on suspicion of committing a death penalty offence. This will ensure the mandatory ground of refusal for death penalty offences applies regardless of whether formal charges have been laid.

Finally, the Bill will insert an express mandatory ground for refusal where there are substantial grounds to believe the provision of the assistance would result in a person being subjected to torture.

These changes complement the general discretion to refuse to provide assistance which allows the Minister to take into account all relevant considerations.

As these grounds for refusal apply to any request for assistance from a foreign country, these amendments will ensure Australia is only providing assistance in appropriate circumstances.

Increasing the range of law enforcement tools available to assist other countries

Amendments will be made to the *Crimes Act 1914*, the *Mutual Assistance Act*, the *Telecommunications (Interception and Access) Act 1979* and the *Surveillance Devices Act 2004* to increase the range of law enforcement tools available to assist foreign countries with their investigations and prosecutions.

Lawfully accessed material

Currently, telecommunications interception product and covertly accessed stored communications material, obtained originally in an Australian investigation, can only be provided to a foreign country through costly and time consuming proceedings.

The Bill will streamline this process and include a range of safeguards to ensure information is only provided to foreign countries in appropriate circumstances.

Firstly, the Minister's approval will be required before any telecommunications interception product or covertly accessed stored communications material is able to be provided to a foreign country. The safeguards under the *Mutual Assistance Act* would apply in assessing whether to provide that material.

Secondly, covertly accessed stored communications material and telecommunications interception product will only be provided to a foreign country in circumstances where the relevant foreign offence carries a penalty mirroring our domestic offence.

Finally, as part of the government's commitment to openness and transparency, the Minister for Justice will be required to report annually on the provision of this type of information to foreign countries.

Surveillance devices

The Bill will also enable surveillance device warrants to be obtained for foreign law enforcement purposes. Currently, this power is limited to the investigation of domestic offences.

Once again, there are a range of safeguards in place to ensure these powers are only used where appropriate.

Firstly, Ministerial approval will be required before a surveillance device warrant is able to be sought for foreign purposes. In deciding whether or not to give that approval, the Minister would consider the mandatory and discretionary grounds of refusal contained in the Mutual Assistance Act.

Secondly, a warrant will only be able to be obtained if the relevant foreign offence meets the threshold for when a surveillance device warrant is able to be issued for domestic offences.

Finally, agencies will be required to report on the use of surveillance devices for foreign law enforcement purposes.

Forensic procedures

Forensic procedures (for example, obtaining fingerprints and DNA samples) can provide compelling evidence which may confirm or exclude a person as a suspect in the commission of an offence. These procedures are used in criminal investigations throughout Australia.

The Bill will enable the forensic procedures provisions in the Crimes Act to be used for the purpose of assisting with foreign law enforcement.

The Bill will enable forensic procedures to be carried out on suspects and volunteers, including children and incapable persons in certain circumstances, for foreign purposes. These

procedures would be carried out in the same circumstances and in the same manner as for the investigation of domestic offences.

The amendments also put in place a range of safeguards. Importantly, a person will first be asked if they consent to the procedure being carried out. If they do not consent, approval from the Minister and an order of a magistrate will be necessary before the procedure can be carried out. A magistrate will only be able to authorise the carrying out of a forensic procedure after taking into account a range of circumstances including whether the carrying out of the forensic procedure is justified in all the circumstances.

Further, despite any order by the magistrate for the carrying out of a forensic procedure, in circumstances where a child or an incapable person objects to, or resists the carrying out of the procedure, it will not be able to be carried out.

Proceeds of Crime

This Bill will also make a range of amendments to Part VI of the Mutual Assistance Act to improve the operation of the proceeds of crime provisions in relation to non-conviction based proceeds of crime orders. Obtaining a criminal conviction can be a lengthy process so these types of orders, which can be made regardless of whether a person has been convicted of an offence, are effective tools for preventing dispersal of assets.

Currently, Australia can only register such orders from certain countries listed in regulations. The Bill will enable Australia to register a non-conviction based proceeds of crime order made in *any* country or seek a temporary non-conviction based restraining order on behalf of *any* country.

The Bill will also streamline the process by which the relevant Minister can authorise the use of the proceeds of crime investigative tools in the Mutual Assistance Act. This will ensure Australia is able to respond efficiently and effectively to requests for assistance from other countries.

Conclusion

The measures in this Bill will modernise Australia's international crime cooperation laws, facilitate cooperation with international partners and reduce delays in current processes. The changes will also ensure that accused persons are

afforded fair treatment by strengthening legislative protections and safeguarding human rights.

These updated laws will ensure Australian law enforcement agencies are able to work effectively and efficiently with their international counterparts to combat crime across the world.

PARLIAMENTARY SERVICE AMENDMENT (PARLIAMENTARY BUDGET OFFICER) BILL 2011

Establishment of the Parliamentary Budget Office

The Parliamentary Service Amendment (Parliamentary Budget Officer) Amendment Bill 2011 establishes a new Parliamentary Budget Office as a fourth parliamentary department.

This Bill will enhance the credibility and transparency of Australia's already strong fiscal and budget frameworks.

It will promote greater understanding in the community about the budget and fiscal policy.

And it will ensure that the Australian public can be better informed about the budget impacts of policies proposed by members of the Parliament.

The Bill is consistent with the recommendations of the Joint Select Committee on the Parliamentary Budget Office and the Government's response to those recommendations, which has been tabled in the Parliament.

The PBO will be independent and dedicated to serving the Australian Parliament through the provision of non-partisan and policy neutral analysis of the budget cycle, fiscal policy and the financial implications of proposals.

Accordingly, the Bill seeks to provide for the appointment of a Parliamentary Budget Officer who will be:

- appointed by the Presiding Officers following approval by the Joint Committee of Public Accounts and Audit;
- employed under conditions in line with provisions in the Auditor-General Act 1997; and

- accountable to the Parliament via the Presiding Officers, not to the Executive.

- The functions of the Parliamentary Budget office will be to:

- prepare election policy costings upon request of authorised party representatives and Independent Members of Parliament;
- prepare policy costings outside of the caretaker period upon request of individual Senators and Members of Parliament;
- prepare responses to budget-related non-policy costing requests of individual Senators and Members of Parliament;
- initiate its own work program in anticipation of client requests, including research and analysis of the budget and fiscal policy settings; and
- provide formal contributions on request to relevant Parliamentary Committee inquiries.

The election costing service of the Parliamentary Budget Office will be fully transparent and consistent with similar processes under the Charter of Budget Honesty Act 1998.

The Joint Committee on Public Accounts and Audit will have oversight of the Officer and the Parliamentary Budget Office in respect of its annual work plan, draft budget estimates and annual report.

Amendments to the Charter of Budget Honesty

This Bill also amends to the Charter of Budget Honesty Act 1998, so that all parties with at least five members in the Parliament will be able to request election costings from Treasury and Finance under the Charter.

Previously this was a service currently only afforded to the Government and the Opposition.

Independent members of parliament and parties with less than five members in the Parliament will be able to have their policies costed by the Parliamentary Budget Office, both during and outside of caretaker periods.

Amendments to other Acts

This Bill also amends the Remuneration Tribunal Act 1973, the Long Service Leave (Commonwealth Employees) Act 1976, and the

Freedom of Information Act 1982 (FOI Act) to encompass the Parliamentary Budget Office and the Officer.

Conclusion

The Parliamentary Budget office is an important new institution that will further strengthen Australia's fiscal and budget frameworks.

It will bring greater accountability and transparency to the policy costings process, particularly during election periods.

It will ensure that the Australian public can be better informed about the costs of election policy proposals before they cast their vote at the election.

I commend the Bill.

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

Ordered that the bills be listed on the *Notice Paper* as separate orders of the day.

REGULATIONS AND DETERMINATIONS

Migration Act 1958

Disallowance

Senator HANSON-YOUNG (South Australia) (18:03): I move:

That the Migration Amendment Regulations 2011 (No. 4), as contained in Select Legislative Instrument 2011 No. 122 and made under the *Migration Act 1958*, be disallowed. [F2011L01376]

On 23 August I gave notice of the Greens' intention to move this disallowance to the Migration Amendment Regulations 2011 (No. 4) after numerous community legal centres and pro bono lawyers contacted my office deeply concerned about the impact that this regulation would have on their current and prospective clients.

The introduction of the Migration Amendment Regulations 2011 (No. 4), which came into effect on 1 July, introduces serious financial restrictions on access to justice for people experiencing some form of financial hardship. Up until 1 July the Migration Review Tribunal had the power to waive the application fee for merits review if the payment would cause financial hardship. However, changing the existing 1994 migration regulations will mean the Migration Review Tribunal can reduce the fee by only 50 per cent. In other words, they now only have the power to reduce the \$1,540 fee by half to \$770, if they are satisfied that the payment of the fee has caused or is likely to cause severe financial hardship to the review applicant.

Nowhere in the explanatory memorandum does the minister explain why these dramatic changes are necessary. While the statement highlights that the purpose of this regulation is to charge applicants a reduced fee if the payment would cause severe financial hardship, it fails to highlight that previously a full waiver was available. This I suggest is somewhat disingenuous and, dare I say it, sneaky. While the accompanying statement does not state that this change would have no impact or effect on business or competition, it fails to summarise the likely impact on individuals who are directly involved, which of course will be considerable. This is about whether or not people get to live in Australia.

The Greens do not see there being any justification for slashing the fee waiver for applicants seeking a review of their visa decision. Given that the criteria for the tribunal to reduce the fee are based on evidence that the applicant would have to face severe financial hardship, it is ridiculous that someone who is assessed as being unable to pay over \$1,500 could somehow still be able to pay \$770. Apparently \$1,500 is unacceptable but \$770 is okay.

Time and time again community legal centres and access to justice advocates have stressed the importance of being able to offer complete fee waivers where the situation is warranted. The problem with this regulation is that without payment of the tribunal fee the application for merits review is deemed invalid. So if you cannot cough up the \$770 you cannot even lodge an application to have your case reviewed. This could result in a significant number of vulnerable individuals, who previously would have been considered for a complete fee waiver, now being unable to raise the required \$770 reduced fee in order to access the review. So it is only if you have enough money that you can access the legal system.

In 2010-11 the Migration Review Tribunal granted 511 fee waivers, highlighting its importance in ensuring access to justice is available for vulnerable individuals. This figure is increasingly important when comparing the application fee of the Migration Review Tribunal to other types of merit reviews of Commonwealth agency decisions. For example, no fees apply to either the Social Security Appeals Tribunal, which looks at Centrelink decisions, or the Administrative Appeals Tribunal. So for some tribunals you may have to pay a fee but there is nothing beyond a basic fee of \$75. Applicants who would like to see a review of a decision by the Migration Review Tribunal have to pay \$1,500. They could get a waiver to \$770 but anybody else appealing to other Commonwealth agencies does not have to pay anywhere in that vicinity.

A number of legal experts, who I understand have contacted the minister's office expressing their concerns over this regulation, have indicated that the inability of Migration Review Tribunal to waive the application fee will have an adverse effect on both Australian citizens and permanent residents, along with a variety of individuals

seeking to obtain or retain a particular visa. The following case clearly identifies the impact that this regulation could have on individuals residing or wanting to reside in Australia. A woman who came to Australia on a temporary partner visa, who had an Australian citizen husband, separated from him due to serious domestic violence. As she is on a temporary visa, she is not eligible for ongoing Centrelink payments and is living on her cousin's couch. Wanting to remain in Australia because she has been here for some time—she has family connections, she has social connections—she contacted DIAC who informed her that, if she provided evidence of her domestic violence, then she may be able to stay on her current visa. However, as the woman did not receive any professional migration advice, she failed to provide evidence from the approved persons list and her visa was subsequently refused. She of course needed this decision reviewed.

The only option available to appeal this decision is through the Migration Review Tribunal. As the woman does not have \$1,540, nor the \$770 she would require even if it were agreed that the payment of the fee would cause financial hardship, the option of appealing is not a live one. A decision like this could be seen as directly in conflict with the intention of the domestic violence provisions in the migration legislation—to allow people to leave violent relationships without jeopardising their immigration status. The minister has refused to outline and answer this question—the rationale for why we would want to undermine our obligations in this area.

According to Community Legal Centres New South Wales, access to the Migration Review Tribunal is not a futile exercise. With more than 40 per cent of all DIAC decisions reviewed by the tribunal reversed to a positive decision, that means only 36 per cent of all previous decisions were upheld.

That is a pretty bad strike rate for the department of immigration in the first instance.

Decisions made by DIAC are incredibly important and affect the lives of applicants and their sponsors. By removing the fee waiver right of the tribunal, this regulation will effectively prevent financially disadvantaged individuals from seeking merits review due to the increase in cost. And yet again, there is no argument put forward by the minister as to why this is the case. The only argument which has been flagged is of course one of cost savings. If we accept that it is unreasonable to expect someone who would face severe financial hardship to have to pay \$1,540, how can we expect the very same person to fork out \$770 just to have a review of a negative decision? With limited consultation with the legal sector and the introduction of this regulation, and the adverse impact which this may have on some of their clients, I would urge all senators to reconsider their opposition to this disallowance motion, which is in clear conflict with the government's own *A strategic framework for access to justice in the federal civil justice system 2009*.

While I understand that both the government and the opposition have already indicated that they will not be supporting this disallowance motion, I look forward to hearing their justifications as to why this measure is necessary at all and the type of impact they expect the removal of the waiver will have on financially disadvantaged applicants.

So you are unable to access a review of your decision if you have the money to pay for it. What kind of Labor value is that? The Greens believe that in order to comply with the principle of natural justice for all visa applicants they must have the right to have their appeal heard, irrespective of their financial status. This is a core issue which

goes right to the heart of where this government is at when it looks at the review of migration decisions. Why is it that, if you have enough money, you can have your appeal assessed, but if you do not have enough money, bad luck? Where is the justification from the government to cut and slash this financial assistance to disadvantaged individuals, aside from their own budgeting issues and trying to keep more money in the coffers?

Senator XENOPHON (South Australia) (18:13): The Migration Review Tribunal currently has a discretion to waive the \$1,540 fee for a review of the decision if it is satisfied that the fee would cause the applicant severe financial hardship. That is a criterion and it seems to be a very fair criterion. It is not something which is done lightly but that discretion exists. Under these regulations, which I call 'mean and tricky regulations', which are the subject of this disallowance motion, the Migration Review Tribunal will only be able to reduce the review fee by 50 per cent. You have to ask: why? And where is the equity of this? It seems to me quite unreal that a person who is deemed to be suffering financial hardship and is unable to pay \$1,540 is somehow supposed to be able to pay \$770. If we are talking about people who are on the poverty line and are struggling, and for whom every cent counts, \$770 is a very significant some of money. If they cannot pay \$770 does that mean that the individual will have no access to a review? Furthermore, this fee well exceeds fees for other types of merits reviews of Commonwealth agency decisions. For instance, the Social Security Appeals Tribunal applies no fees if someone wants to appeal a Centrelink decision about entitlements, nor does the Administrative Appeals Tribunal for a review of a Commonwealth workers compensation decision. It is \$100 to appeal a visa cancellation on character

grounds to the Administrative Appeals Tribunal and just \$77 to appeal a taxation objection decision of less than \$5,000 to the Small Taxation Claims Tribunal. So the \$1,540 fee for a review of the MRT is exorbitant to begin with and to suggest that someone deemed to be in financial hardship is able to pay even half of that is beyond me. I support this disallowance motion.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (18:15): On behalf of the minister I indicate the government's position in regard to this disallowance motion. I would agree with Senator Hanson-Young and with the point that Senator Xenophon made that the work of the Migration Review Tribunal and the Refugee Review Tribunal is very important. What the evidence points to is that decisions are becoming more complex and are becoming more lengthy and that there are increasing numbers of occasions on which the tribunals are required to make decisions, therefore it is important that the necessary resources be provided to allow them to do their important work. So the government has agreed to changes to the application fees for these tribunals in terms of applications to offset the appropriation for the operations of the tribunals in 2011-12 and in the out-years. Under these funding arrangements, the tribunals would have to incur operating losses in 2011-12 and in the forward years, making them technically insolvent, so the tribunals have insufficient cash reserves and the financial assets to meet their commitments as they fall due in the period of 2011-12.

The fee amendments will fully offset an increase in appropriations to these tribunals and avoid operating losses over the forward estimates period consistent with the operating budget rules. So any disallowance of the fee amendments will have a very negative effect on the government's fiscal

projections and, of course, any additional offsets required from the tribunals instead may adversely impact upon the way in which these tribunals are actually able to operate. These changes would enable the two tribunals to avoid operating losses over the forward estimates period and enhance the tribunals' capacity to respond to the significant increase in caseloads and the deterioration in the processing times.

The tribunals incurred operating losses of approximately \$10 million between 2008-09 and 2010-11. The operating losses have been funded from accumulated appropriations and this is a position that is not sustainable. The revised funding for the tribunals increases the cost provisions per case taking into account increases in the operating costs such as the members' remuneration increases which have been determined by the Remuneration Tribunal itself. It recognises also increases in the complexity of cases due to the impact of court judgments on the conduct of reviews and the effort needed to resolve cases. The application lodgements for the MRT and the RRT increased by 23 per cent between 2007-08 and 2009-10. The MRT application fee of \$1,400 has not increased since the MRT was established in 1999. The RRT application fee, which is only payable post decision if the applicant is found not to be a refugee, has been at \$1,400 since 2003.

The proposed changes for increases in the MRT and RRT application fees by 10 per cent from \$1,400 to \$1,540 will take effect from 1 July 2011. The application fee for the RRT only becomes payable after the review is completed and if the applicant is found not to be a refugee. The retaining of 50 per cent of the MRT application fee, rather than refunding the full application fee, is if the MRT sets aside the primary decision for applications for a review lodged on or before 1 July 2011. No fee is currently payable in

relation to MRT applications by persons in immigration detention who are seeking a review of a decision to refuse or cancel a bridging visa, and no change is proposed to this. As to a reduction of a fee of 50 per cent on MRT applicants who are in financial hardship, rather than a full waiver for applications for review lodged on or after 1 July 2011, the \$1,400 application fee to the MRT can be waived on the basis that the payment would cause severe financial hardship. There were fee waivers in some 490 cases, or six per cent of the applications lodged in the period of 2010-11, and 338 cases, or five per cent of the applications, in the year 2008-09. It should be noted that the fee will be refunded if the tribunal makes a favourable decision. So these provisions do preserve that arrangement. Automatic adjustment of the MRT and the RRT application fees for CPI increases would apply every two years.

The effect of agreeing to this disallowance would be quite severe. The disallowance of the proposed fee structure would have a quite serious impact on the operations of the tribunals to the tune of about \$3½ million, which is based on the proposition that there are some 8,300 cases currently being decided in the period of 2011-12. The disallowance of the partial fee waivers would have a negative impact of some \$2.3 million per annum and that is based on the proposition that some 6,000 cases are being decided before the MRT in the period of 2011-12 and with, of course, the MRT only primary decisions setting aside at the rate of 49 per cent.

The disallowance of this regulation would result in both these tribunals having to internally reallocate funding from other parts of their budgets to provide for payment of the full refunds. These charges are about providing quality decision-making and to give these tribunals the resources they need

to ensure that they maintain effective and efficient case resolutions. If this disallowance is agreed to by the Senate it would result in substantial delays in the time taken to review a decision, the impact of which would be felt most acutely by those who are in immigration detention, who, as a consequence of such an action, would remain in detention for much longer periods of time. The proposal that the Greens are advancing here would seriously disadvantage people who are currently in detention.

Many of the applications that are going to these tribunals are from parents and partners—and, of course, there are some children—who are waiting to join family members in Australia. Disallowing these changes in the fee structure may mean more time is spent separated from families. What the government is proposing is economically responsible and just, and it provides us with the appropriate mechanism to place support with those who are facing severe financial hardship. I seek the support of the Senate in rejecting this disallowance motion.

Senator CASH (Western Australia) (18:23): On the behalf of the coalition, we will not be supporting the Greens motion.

Question put:

That the motion (**Senator Hanson-Young's**) be agreed to.

The Senate divided. [18:28]

(Acting Deputy President—Senator Back)

Ayes	11
Noes	29
Majority.....	18

AYES

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

NOES

Back, CJ	Bernardi, C
Bilyk, CL	Brown, CL
Bushby, DC	Cameron, DN
Carr, KJ	Cash, MC
Colbeck, R	Cormann, M
Crossin, P	Edwards, S
Fawcett, DJ	Feeney, D
Gallacher, AM	Heffernan, W
Kroger, H	Lundy, KA
Marshall, GM	Mason, B
McEwen, A (teller)	McKenzie, B
Moore, CM	Nash, F
Parry, S	Pratt, LC
Stephens, U	Thistlethwaite, M
Urquhart, AE	

Question negatived.

BILLS**Bankruptcy Amendment (Exceptional Circumstances Exit Package) Bill 2011****Report of Legislation Committee**

Senator McEWEN (South Australia—Government Whip in the Senate) (18:31): I present the report of the Economics Legislation Committee on the Bankruptcy Amendment (Exceptional Circumstances Exit Package) Bill 2011, together with the *Hansard* record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Government Advertising (Accountability) Bill 2011**Report of Legislation Committee**

Senator McEWEN (South Australia—Government Whip in the Senate) (18:31): I present the report of the Finance and Public Administration Legislation Committee on the Government Advertising (Accountability) Bill 2011, together with the *Hansard* record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Patent Amendment (Human Genes and Biological Materials) Bill 2010**Report of Legislation Committee**

Senator McEWEN (South Australia—Government Whip in the Senate) (18:32): I present the report of the Legal and Constitutional Affairs Legislation Committee on the Patent Amendment (Human Genes and Biological Materials) Bill 2010, together with the *Hansard* records of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator HEFFERNAN (New South Wales) (18:32): I move:

That the Senate take note of the report.

This is a very important bill. We have moved in the dissenting report to amend the bill to narrow down the description of discoveries, which should not be patentable. A lot of generous patents have been issued on inventive work that includes discovery work—that is, the discovery of genes. Nearly three years ago I rose to thank the Senate for its generosity in agreeing to an inquiry into the impact of gene patents on the provision of health care in Australia. The trigger for that inquiry was Myriad Genetics, the owner of Australian patents containing claims relating to genetic mutations in the BRCA 1 and 2 human genes linked to breast and ovarian cancers. Myriad has been granted not one but four patents giving it a monopoly over these genetic mutations in an isolated form. That is, they have been removed from the human genome. As well, Myriad had patent rights to any kind of BRCA 1 and 2 genetic testing.

The Australian patents were exclusively licensed to Genetic Technologies, which proceeded to send a 'cease and desist' letter to every laboratory in Australia providing BRCA genetic testing, threatening to sue them for patent infringement if they did not

stop testing—and this included fine institutions such as Westmead Hospital in Sydney. But the public outrage, media attention and the Senate's action in agreeing to an inquiry—for which I am eternally grateful—forced Genetic Technologies to back off. The lawsuit never happened and laboratories got on with providing the much-needed BRCA test to Australian women.

The argument with Genetic Technologies, Myriad and IP Australia, which granted the patents in the first place, was not about the principle behind the Australian patent system that says that an invention should be rewarded with a patent. It was not about the incentives that are needed to encourage invention and innovation. It was not about compensating those undertaking risky and expensive research. It was about whether Myriad Genetics had actually invented anything in the first place. Common sense should tell us that a human gene and the human protein it codes for are natural phenomena. No-one invented the human genome. Certainly Myriad Genetics did not invent the genetic mutations that cause breast and ovarian cancer. That is what these Australian patents stand for. It is absurd in the 21st century, with everything that science knows about human genetics and the role that genes play in the production of proteins, that the materials that make us who we are and what we are can be monopolised and commoditised.

The patent system was never designed to grant patents for discoveries. That is what Myriad Genetics did: it patented certain genetic mutations in the BRCA 1 and 2 human genes which were linked to breast and ovarian cancer. The objective of the bill—which former Senator Coonan, Senator Xenophon, Senator Siewert and I sponsored in the Senate last November, which was introduced into the lower house by Peter Dutton, Rob Oakeshott and Malcolm

Turnbull and which is the subject of the report tabled in the Senate today—is to make the distinction between discovery and invention clear when it comes to biological materials that are identical to those that exist in nature.

The bill had the support of not only the Cancer Council of Australia, the Royal College of Pathologists of Australasia, the Human Genetics Society of Australasia, the Royal Australasian College of Physicians, the Australian Medical Association, the Generic Medicines Industry Association, Cancer Voices Australia, Cancer Voices New South Wales, Cancer Voices South Australia, Cancer Voices Tasmania but also the federal Department of Health and Ageing. Each of these organisations made it clear that the current policy of allowing the patenting of biological materials that are naturally occurring and which no-one invented needs to be stopped. But it was not only these organisations that raised objections. In the United States, 20 plaintiffs sued Myriad Genetics to invalidate the patents which the US patent office had granted for the same genetic mutations. The US government, a co-owner of two of the four Australian patents, even went to the US Court of Appeals for the Federal Circuit, agreeing with the plaintiffs. In its amicus brief to the court, the US government said:

Genomic DNA itself, however, is a product of nature that is ineligible for patent protection, whether or not claimed in “isolated” form.

We—

that is, the US government—

acknowledge that this conclusion is contrary to the longstanding practice of the Patent and Trademark Office, as well as the practice of the National Institute of Health and other government agencies that have in the past sought and obtained patents for isolated genomic DNA. The district court's judgment in this case, however, prompted the United States to reevaluate the relationship

between such patents and the settled principle under Supreme Court precedent that the patent laws do not extend to products of nature. For the reasons below, the United States has concluded that isolated but otherwise unaltered genomic DNA is not patent-eligible subject matter under 35 U.S.C. § 101.

Unfortunately, that patent fight is nowhere near being over. In the meantime, the 20 plaintiffs who brought this action on behalf of the American people must wait for years before they have a definitive answer. It will not matter to Myriad Genetics, because by that time the BRCA patents will have expired.

We in the Senate, with the help of our colleagues in the lower house, are in a unique position to get this right, now—once and for all. We know that those that have most to gain financially by keeping things as they are, the patent attorneys, the patent lawyers and the biological and pharmaceutical industry, have been working hard to make sure this bill is ultimately defeated. It would seem, based on the majority report of the Senate today, that they have managed to convince some members of the Senate that a human gene is an invention. Let me assure the Senate that is a furphy. You do not have to take my word for it. Professor Sir John Sulston, a Nobel laureate and one of the leaders in the mapping of the human genome has said:

Promoters of gene patents argue that genes are patentable when they are "isolated and purified," or removed from the body and placed in a form so that they can be replicated outside the human body. This argument seems absurd to me. The essence of a gene is the information it provides—the sequence. Copying it into another format makes no difference. It is like taking a hardback book written by someone else, publishing it in paperback and then claiming authorship because the binding is different.

Professor Ian Frazer agrees with Professor Sulston. He has said:

If we allow patenting of genes we're allowing patenting of ourselves. The patent system should protect inventive medicines developed from research using data on gene sequences. But a gene sequence used to develop the invention should not qualify the gene's sequencer to receive benefits.

Along with Senators Siewert and Xenophon, we dissented from the majority report of the Legal and Constitutional Affairs Legislation Committee. In our dissenting report we explain that the Australian patent system has lost its way.

In 1989, Barry Jones, as Minister for Science and Technology, said during the second reading speech for the bill that became the Patents Act 1990 that one of the objectives was to strengthen Australia's patent law. Australia is now a soft entry point to the patent world. The bill was the result of a report prepared by the Industrial Property Advisory Committee, IPAC, which recommended the retention of the manner of manufacture test. One of the objectives of the bill was to restore the full scope of this test after two full Federal Court decisions removed the ability of the courts to strike down a patent on public policy grounds. Sixteen years after that report, the Intellectual Property and Competition Review Committee likewise agreed that the manner of manufacture test should be retained. More than that, the committee reinforced the importance of maintaining the distinction between discovery and invention. It said:

... the goals underpinning the National Competition Policy are well served by a patent policy that rigorously distinguishes between discoveries that advance our understanding of the nature, structure and properties of matter, and inventions that apply this understanding to useful products and processes. Within such a policy, only the latter should qualify for patent protection.

The distinction that is— (*Time expired*)

Senator HEFFERNAN: I seek leave to incorporate three little pages into *Hansard*.

Senator McEwen: No.

The ACTING DEPUTY PRESIDENT (Senator Pratt): Leave is not granted.

Senator McEWEN (South Australia—Government Whip in the Senate) (18:42): I would like to make a statement explaining my reasons for denying leave. As Senator Heffernan and everybody in this chamber should know, it has long been the rule that incorporation of speeches will not occur except in the situation of the illness of a senator or of valedictory speeches. However, I am sure if Senator Heffernan wanted to seek leave to continue his remarks he could continue his remarks when the report comes onto the red as a document for debate.

Senator Heffernan: Thank you, very much for that guidance. That would be preferable to tabling the document.

**Higher Education Legislation
Amendment (Student Services and
Amenities) Bill 2010**

In Committee

Debate resumed.

The ACTING TEMPORARY CHAIRMAN (Senator Pratt): The question is that subsection 19-67(3) in schedule 1, item 6, stand as printed.

Senator MASON (Queensland) (18:45): Perhaps I could just recap the long debate on this bill thus far. I know the minister will be very helpful as we traverse these important issues. You will recall that earlier today my colleagues canvassed an issue in relation to the phrase 'welfare of students' in subsection (4) of section 19-38—that is, whether in fact money spent on the welfare of students could include a political cause. The reason this debate commenced more than 35 years ago, in the mid-seventies, was that student unions said they were acting on behalf of the

welfare of students. You may recall that they used student money to fund all sorts of activities under the guise of the welfare of students.

And it was not just about the health of students. In those days it even involved direct political activity. I know that has been banned by this bill; I accept what the minister said earlier today. But, as far as I can tell, it does not stop the advocacy of a political cause under the rubric of 'welfare of students'. One example might be my rights at work. Another might be a campaign to stop the carbon tax. Again, that could be debated and money could be spent under the rubric of 'welfare of students'.

This entire debate, since the mid-1970s, has caused so much tension. As my friend Senator Cormann said earlier today, as indeed did Senator Ronaldson, we have no objection to political causes being debated on campus—none at all. None of us in the opposition has any problems with that. What we object to strenuously is the money of students being used to advocate political causes that those students do not believe in. That is what we argue about. We will argue about it today, tomorrow, next week and forever, because we do not believe it is appropriate.

Back in the early 1980s, when I was at university, the problem I had was that my money was used by student unions to support the Palestine Liberation Organisation. That clearly is not a political party per se, but it is an organisation that even then, in my tender years, I could not support. I loathed the fact that student bodies at the Australian National University, where I was a student, were supporting the PLO. I objected to that so strongly then, and I still do now. Indeed, it was one of the major reasons I joined the Liberal club on campus. It made me into the fearsome right winger I am today. If it had

not been for people spending my money supporting the PLO, who knows what would have happened? And I would not be wearing a pink shirt today!

I objected strongly, and that is a matter of principle. In fact, for all coalition senators who have spoken on this bill it is a matter of principle. Sure, the \$250 is difficult for some students; that is true. But it is about more than just the money. Senator Ryan spoke about this eloquently, as always. It is a matter of principle and freedom of association. We on this side simply do not believe our money should be spent on political causes we do not believe in. The PLO was the one I objected to so strongly 30 years ago. So my question to the minister is very clear. Is it possible that, under the rubric of welfare of students, a political cause could be promoted by student bodies? That is a question I would like a direct answer to.

Progress reported.

DOCUMENTS

Consideration

The government documents tabled earlier today were called on but no motion was moved.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Pratt): Order! There being no further consideration of government documents, I propose the question:

That the Senate do now adjourn.

Same-Sex Relationships

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (18:51): Madam Acting Deputy President:

At times I cry thinking about it, knowing that thousands of young Australians are growing up knowing that we are so different and that there are laws written against us.

Most days, I don't feel much different from my friends, but as I get older I think about what my

life will look like in 10 years. I realise I will never be able to have the life my friends look forward to.

That is just one short, personal story amidst the many I have heard or read on the issue of marriage equality. The issue of marriage equality has evoked considerable debate around Australia. Marriage equality is always at the forefront of media commentary and has been a hot issue in both formal and informal debate in my home state of Tasmania. Even before the motion passed the federal House of Representatives on 18 November 2010 asking politicians to gauge their local community's views on same-sex marriage, I had been contacted by a number of Tasmanians and Australians keen to have their views heard.

Whilst I personally believe that an amendment to the Marriage Act will ensure that Australia remains a country which promotes equality, fairness and dignity for all citizens, I also wanted to give Tasmanians the opportunity to put forward their personal view on marriage equality. In addition to learning the views of constituents who phoned my office, wrote to me or met with me, I launched an online survey on my website on 27 April 2011. It had three parts. Question 1 asked: Do you believe that the federal government should legislate to deliver greater relationship recognition to same-sex couples? Question 2 then asked respondents to indicate whether they supported one or more of the following options: amending the Marriage Act so that same-sex couples can be married; a national civil unions scheme which is open to both same-sex couples and opposite-sex couples; a national civil unions scheme which is open to same-sex couples only. Question 3 gave respondents the opportunity to share their personal story or leave a comment.

I closed the online survey at 5 pm on Friday, 9 September. After scrutinising the

survey data, I was able to remove responses from constituents who lived outside of Tasmania and others whose details were not able to be verified against the electoral roll. In total I can report that 509 constituents from across Tasmania completed the survey. I can also report that, in addition to the survey responses, I have had 584 other interactions with Tasmanian constituents on the issue of marriage equality, and the emails, letters and phone calls are still coming in every day.

Combining the survey responses and the constituent interactions, I had had 1,093 interactions on the issue of marriage equality as at 9 September. An analysis of those 1,093 interactions indicates that, state wide, 55.9 per cent of Tasmanians support marriage equality. Looking specifically at the data collated from the electorate of Denison, which is the electorate in which I live and in which my office is based, 167 of the constituents who contacted my office were from the electorate of Denison and 184 of the Tasmanian respondents to the survey were constituents living in the electorate of Denison. Out of those total 351 interactions, I can conclude that 78.6 per cent of Denison constituents support marriage equality. Given the sample size of my data, I believe this represents a statistically sound indication of the views held by the Denison electorate.

In Denison, out of the 184 respondents to the survey, 83.1 per cent said that they supported amending the Marriage Act so that same-sex couples can be married. Of that 83.1 per cent, 33.1 per cent said they would also support a civil unions scheme open to both same-sex and opposite-sex couples, 3.8 per cent said they supported a civil unions scheme open to both same-sex and opposite-sex couples, 1.08 per cent said they supported a civil unions scheme open to same-sex couples only and 11.9 per cent were against any legally recognised relationship.

Of the 167 constituents who contacted my office through emails, letters or phone calls, 73.65 per cent supported amending the Marriage Act to allow for same-sex marriage, which, as I mentioned earlier, means that, when both the survey responses and contacts are calculated, I can report that 78.6 per cent of Denison constituents contacting my office support marriage equality. The data I have collected therefore suggests that the electors of Denison strongly support marriage equality and have a clear preference for amending the Marriage Act. The data also indicates that a number of people were happy to support both a civil unions scheme and an amendment to the Marriage Act, but a large proportion of respondents indicate marriage equality is the preferred way forward—a clear preference.

Whilst the data I have collected from the electorate of Denison, a socially progressive electorate, shows there is strong support for marriage equality, this support is not limited to Denison. The support for marriage equality is widespread. A recently released poll, conducted in February this year by Enterprise Marketing and Research Services, EMRS, shows that 59 per cent of Tasmanians surveyed believe same-sex couples should be allowed to legally marry. More support for marriage equality can be found in Newspoll figures from November 2010 which show that 65 per cent of Australians 'have no problem' with allowing same-sex marriage and in Nielsen polls from November 2010 and March 2011 which show 57 per cent of people support marriage equality nationally.

Whilst there have been a number of national polls on the issue, many parliamentarians have been reporting back on the results from their own community consultations. Throughout the reporting period, it has become apparent that there are very strongly held views on both sides of the

marriage equality debate. It is worth highlighting that results I have collected supporting marriage equality come not just from friends and family of the gay and lesbian community but from throughout the Denison electorate and more broadly across Tasmania.

The data I am presenting today is a reflection of the constituent views which I received as part of my consultation period with the community. I note that, just today, the Tasmanian state parliament passed a motion supporting marriage equality and calling on the Commonwealth parliament to amend the Marriage Act to provide for marriage equality. I welcome the passage of this motion by the Tasmanian state parliament and congratulate the Premier of Tasmania, the Hon. Lara Giddings MP, for providing leadership on this issue. I look forward to the debate on this issue at the Labor Party's national conference in December.

Whilst we continue to debate the issue of marriage equality and pursue the end of legislated discrimination against same-sex couples, it is also important to recognise Labor's record on reform. We have a proud history of achievement in bringing equality and recognition for same-sex couples in Australia. In our first term of government, federal Labor successfully amended up to 85 pieces of legislation to remove discrimination against same-sex couples. These reforms removed discrimination and equalised treatment for same-sex couples in the areas of taxation, social security, health, aged care, superannuation, immigration, child support and family law. In my home state of Tasmania, the Labor Party has also led the way in law reform for the recognition of same-sex relationships.

Across Australia, other states have legislated to recognise same-sex de facto couples, to ensure same-sex couples receive

fair access to assisted reproductive technology such as IVF and to enable same-sex couples to adopt children. It follows that same-sex couples ought to have the right to define their relationship and should not be restricted in the way in which they celebrate their love for each other. Without amending the Marriage Act, we will perpetuate discrimination and inequality.

All Labor Party state conferences held this year, with the exception of NSW, who deferred their decision to the ALP national conference, have passed motions in support of marriage equality. In my home state of Tasmania, the state conference support for marriage equality significantly boosts our campaign to change the national platform.

Historically there have been many debates about marriage. There was a time when interracial couples were not allowed to marry, and there was also a time when a wife was 'property' of her husband. This is not the case anymore. That is why we need to legislate to represent the values of Australia today. The institution of marriage has evolved to reflect changing social attitudes in the past. Given the majority of Australians today are saying that they support marriage equality, it is incumbent upon us in the parliament to take this final step towards full equality and recognition for all Australians. We have the power to amend the Marriage Act to allow for marriage to be between two people who love each other and who want to make that commitment public and official. Amending the Marriage Act will remove this one last barrier to full legal equality for same-sex partners and protect Australia's reputation as a proud, multicultural, multifaith, vibrant and diverse country.

Same-sex couples can marry in Canada, Spain, South Africa, Portugal, Mexico, Argentina, Belgium, the Netherlands, Norway, Sweden, Finland, Iceland and the

US states of Iowa, Vermont, New Hampshire, Massachusetts, Connecticut, New York and the District of Columbia. I want to see Australia added to that list.

Indigenous Suicide

Senator BOYCE (Queensland) (19:00): During this adjournment debate tonight I would like to talk about an issue that has been dividing Queensland's north-west. I recently visited Queensland's north-west, one of this country's most beautiful, vast and resource-rich areas. On the journey I visited communities in Mount Isa, Boulia and Cloncurry. I met people who loved their place, who were full of reasons why they live where they live.

There are issues with living up there. Up there, people pay 40 per cent more for goods, and that will rise even further with Labor's carbon tax. Some high schools in Mount Isa offer only two OP subjects. Aged-care options are minimal. There is a saying in Mount Isa: 'Get old, go to the coast.' Housing is substandard and in short supply. Mount Isa desperately needs to find \$8½ million for badly needed sewerage works for the town itself. Power is even at times rationed. The lone nurse in Cloncurry is expected by her employer to be available 24 hours a day, seven days a week, although the community recognises that this is an intolerable burden for any one person to shoulder. There is all this when the mining areas around Mount Isa hold 25 per cent of the world's mineral wealth. Yes, that is right—25 per cent of the world's mineral wealth.

But there are some even more shameful figures that are growing worse every day as the trucks and trains with their loads of wealth head south and east, and that is in the rate of Indigenous suicide in the Mount Isa area. So far this year, 23 people have taken their lives in Mount Isa. Twenty of those who felt so bad that they chose oblivion over

their country were Indigenous—20 out of 23. A social worker I met on my recent journey north went to the funeral of a co-worker last week. Her name was Yulilla Johnson. In the language of her people, the Goreng Goreng mob, Yulilla means butterfly. She was very attractive. She was beautiful. She was young. She was 19. Two more young Aboriginal women with children also took their lives that week. Indigenous Australians suffer a burden of disease that is 2½ times greater than in the general Australian population. For Indigenous women, depression and anxiety are the leading causes of their health burden. Those figures were reported in 2008 by the Institute of Health and Welfare. What is going on in Mount Isa right now, today, this very minute, suggests something even worse, with 23 deaths already this year.

I would like to tell you another story about another young Indigenous women in Mount Isa who took her life last week. I will just try to paint a picture of what it was like for her. She was married to a man who long ago had given up through depression and drank almost nonstop. All of her birth family and all of his were regularly crammed into a small, shabby house. It was an environment of constant noise, arguments, fights and destruction. She was bashed regularly. She could not remember when she had last bought some little luxury for herself. She could not even afford a woman's everyday needs. She often had no money to put food on the table. Officers from the Queensland Child Safety Services were regularly at the door accusing her of neglect but offering no solution. The Department of Education and Training wanted to know why her kids were not at school but offered no support. Queensland Housing and Homelessness Services wanted to know why she was behind with the rent but offered no solution. Once all those people had left her door, the police turned up because her eldest boy had

started breaking windows and vandalising property. Then her electricity was cut off and the gas company came and took the gas bottles away. So one morning last week she walked into the backyard, grabbed the garden hose and hanged herself from the mango tree. She was also 19.

According to the most recent data, the rate of Indigenous suicide in Mount Isa in the age range of zero to 34 is 887 per 100,000. The national rate for Indigenous suicide in the zero to 34 range is 39 per 100,000. So you have 887 per 100,000 in Mount Isa and 39 per 100,000 in the rest of the Indigenous community under 34. That means that in Mount Isa Indigenous suicide is 22.74 times higher than the suicide rate in the national Indigenous population and 79.59, just on 80, times higher than in the national non-Indigenous population. I would hope that anybody would think that those sorts of statistics suggest that what we have here is an epidemic. This situation has been known to the Queensland Bligh government for some time. People like my social worker friend and others have been begging the Queensland government for some time to do anything about it. You usually would hope that with an epidemic you get strong, decisive action. But what has the Queensland government done about it? The Queensland health minister in February gave \$200,000 to the local Queensland Health regional manager to employ an external expert to 'get on top of the problem'. With 75,000 employees in the state department of health, you would wonder why they needed to hire someone from outside. But, even worse, seven months and 16 deaths later, since February, Queensland has still not employed someone who is supposed to address this situation.

This situation is not going to be fixed by a few dollars. It will be fixed by professional diligence, genuine effort and genuine care and long, slow, careful community building.

The preponderance of young Indigenous people who view suicide as a viable solution to personal problems must be fixed. The silence surrounding the issue may protect those who have the responsibility for the health of our community, but that silence is not helping Mount Isa at all.

There are many in Mount Isa who claim—and I suspect perhaps with a certain element of truth—that the clamour about this in George Street and in Canberra would be deafening if it were white fellas who were suiciding. If there had been 23 suicides in Mount Isa of whites, it would not be something that I would need to raise during the adjournment debate; it would be front-page news all over the country. So keeping quiet about the numbers is not helping and treating the symptoms is ineffective. The causative factors for these suicides are drug and alcohol abuse, relationship breakdown, poor mental health, unemployment, low vocational education skills, loss of identity and inadequate communications skills. How many young Indigenous men and women need to die before the real issues are addressed?

I was pleased today to have the opportunity to speak to the South-East Queensland Council of Mayors, representing a very large proportion of the Queensland community, and raise with them the idea that it is time that local government got involved in the mental health of their communities. We saw so vividly in Queensland during the floods and cyclones that it is not the government health department that can provide the genuine underlying strength. Certainly they can provide the funds and they can look as though they care—that is always a good start. But it is in your local community that you can build the capacity and build the structures so that people feel as though there is a genuine alternative to simply walking

out into the backyard and hanging yourself on a mango tree with a garden hose.

I am very pleased to hear that the Minister for Mental Health and Ageing, Mark Butler, told the House of Representatives today that he is going to Mount Isa next week. But this issue needs more than just a fly-by. It needs genuine, considered, caring action.

Great Barrier Reef

Senator WATERS (Queensland) (19:10): I wish to speak about matters related to the Great Barrier Reef, which is a beautiful part of my town in Queensland. I would urge everyone to go and visit, because it is lovely, but unfortunately it is under threat from a number of things, some which I want to talk at length about this evening.

I am sure senators would be aware that about two months ago UNESCO, the body responsible for looking after our World Heritage areas and making sure that state signatories to that convention are abiding by their obligations, gave the Australian government a pretty big rap over the wrist in how the government has dealt with the Gladstone Harbour LNG export facilities. This is yet another example of why the coal seam gas industry is steaming far too fast ahead without proper consideration of not only farmers' rights but also the environmental damage that it promises to do.

The specific point about this is the 55 million tonnes of dredging of the Gladstone Harbour seabed to facilitate the deepening of that harbour and hence the export of LNG. Unfortunately, the Australian government neglected to inform, as it is obliged to, the World Heritage Committee about its intention to authorise any new development that may affect the outstanding universal value of the property. This is a major issue of concern because this is the world body saying that the Australian government is potentially presiding over and approving activities that

could threaten the World Heritage status of the Great Barrier Reef—surely the most iconic and wondrous place that we as Australians and, I would argue, people globally, think is so significant.

The matter that I want to speak about this evening is in that context. It is the combination of both coal export facility expansions and a whole lot of toxic industries that are planned for Bowen, which is further up the Queensland coast in a beautiful part of Queensland and the world. At the moment there is a 16½ thousand hectare state development area that the Queensland government proposes to approve to house some of the world's most polluting industries—namely aluminium and nickel refineries with smelters, chloralkali plants, ammonium nitrate plants, coke and gas fired power plants—and, of course, to expand the port facility to turn it into a multicargo facility that will allow export not just of the 25 megatonnes per annum of coal per year but of 230 megatonnes per annum if the Palmer and Hancock coalmines are approved in the Galilee Basin, which certainly from all records of both state and federal governments they look to be.

This is a huge concern because this export facility is situated right next to an absolutely beautiful wetland area which meets Ramsar criteria—it is not yet listed, although it certainly deserves to be—and houses over 20,000 migratory birds. Clearly this is a really important area that sits adjacent to another really important area, the Great Barrier Reef. So we have got two huge repositories of biodiversity that deserve protection and, unfortunately, our state government for one is proposing to trash it. This brings me to the role of the federal government, which has received quite a number of referrals under the Environment Protection and Biodiversity Conservation Act, the EPBC Act, which deals with this

area. So not only is there the multicargo facility expansion, which would entail 580 hectares of dredging and reclamation in the World Heritage area—it beggars belief, but there are the facts—including 22 square kilometres of the World Heritage area actually being lost, but there is a litany of other projects. There is further dredging associated with the expansion and there are various infrastructure components and investigations related to that expansion. There is the proposed Chalco alumina refinery, which is currently on hold but still on the federal government's assessment books. There is the proposed Waratah coal terminal and the proposed Hancock coal terminal. Another south Galilee coal project is proposed. Also proposed are the massive Adani Mining coalmine and rail project, and the 'Water for Bowen' project. This region is being slammed and the federal government is still failing to look at these projects cumulatively. It is assessing each and every one of these referrals individually.

That makes absolutely no sense at all. There is no scientific justification for that. It is really incumbent upon the federal government to now say, 'We need to take a strategic assessment approach to this and start looking at things in context and consider whether or not the reclamation and loss of 22 square kilometres of the Great Barrier Reef World Heritage area is really the sort of legacy that we want to leave for our kids.' I would hope not.

Another thing I am particularly interested in, as we saw the failure of the Australian government to let UNESCO know about this massive Gladstone port expansion, is whether they have told UNESCO about the proposed Bowen expansions. Are they keeping the world bodies informed, as they are required to under the operational guidelines that I referred to earlier? I wonder, because I suspect UNESCO would not be

terribly happy with Australia in that respect. So, when UNESCO visits Australia on their monitoring mission early next year, I will certainly be raising with them the need to expand their terms of reference to include looking not just at Gladstone but at the Bowen part of the Queensland coast. No doubt they could look at a whole lot of other things while they are also here, but that is another story.

I want to put on record the amazing work that the local community groups have been doing around the proliferation of development proposals. There is so much to keep up with and these folk are all volunteers. I want to single out for mention Ian Lee, who is a particularly committed activist in Bowen; Maria MacDonald, also from Bowen; and Patricia Julien, from the Mackay Conservation Group. They are really the last bastions of the defenders of this wilderness. They are up against it, when it comes to the proliferation of stupid and damaging proposals.

I will be pursuing with the Minister for Sustainability, Environment, Water, Population and Communities whether or not he has made those referrals to UNESCO, as he is obliged to do. I will be seeking from him a commitment to assess this litany of proposals through a strategic assessment process rather than on a one-on-one basis, which will see death by a thousand cuts. I will be raising with him the need to protect the Caley Valley wetland, given that it is such a beautiful haven for migratory birds and does meet the Ramsar criteria. In time we would hope to see that, in this age of climate change, rather than expanding our coal export facilities by a magnitude which is endangering the Great Barrier Reef not only directly through shipping but naturally through climate change and ocean acidification that we might actually see a reduction in coal exports. Why are we planning to

double coal exports in my home state of Queensland, when the science is telling us that if we are serious about inhabiting this planet and passing it on to future generations then we need to turn around our emissions profile in the next five years?

It is with great shame that we are placing the Great Barrier Reef under such threat from these specific proposals and from the mentality of 'Let's just keep pushing it to its limits and it'll bounce back.' Unfortunately, it will not bounce back and that is why UNESCO is coming here: to look at whether in fact the government is approving projects that threaten the Great Barrier Reef's outstanding universal value. It would be an incredible embarrassment if this generation, this parliament, presided over any endangerment of the listing of the Great Barrier Reef as one of our most beautiful and precious World Heritage icons.

I look forward to being able to advocate for the Great Barrier Reef in this place in the years to come and I look forward to a more sustainable approach from both sides of the chamber when it comes to looking after our precious few World Heritage areas. They are great tourism icons. If nothing else, if you cannot accept the inherent value of these places, then look at the economics of it: 67,000 people are employed on the reef, providing a \$6 billion annual income to this nation's books. These are important areas and we must do our utmost to protect them. I will be pursuing these matters with the minister. I would ask both sides of the chamber to really think about whether this is an appropriate sort of future for our beautiful Great Barrier Reef and to visit it while it is still there.

Defence

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (19:19): When I assumed my current position as Parliamentary Secretary for

Defence, one of the things I was looking forward to was the opportunity to debate defence issues with the shadow defence minister, Senator Johnston. But I have been sadly disappointed. Not only is Senator Johnston a shadow but he seems to be a silent shadow. For a senior shadow minister, he has had very little to say about defence matters.

This year, according to *Hansard*, he has spoken only four or five times on defence matters, not counting condolence motions. To the best of my recollection, in this calendar year he has not asked a single question without notice of the Minister representing the Minister for Defence. So I was delighted this week to see Senator Johnston making a major statement on defence policy. I was of course surprised that he chose not to do this by way of making a statement in the Senate, which I would have thought was the correct thing to do. He did not even issue a general media release. Instead, he announced his new policy through an exclusive interview with the *Australian*. I suppose that should not have surprised me. The opposition seem to have outsourced most of their policy work to the *Australian*, since they are happy to just get up in the morning and, indeed, every day in the Senate and read out whatever the *Australian* has said that morning.

Nevertheless, I have to give Senator Johnston credit for his courage in announcing his policy statement and, as it turned out, his politically suicidal courage. I say that because Senator Johnston has put forward a sweeping revision of defence policy, a revision not only of this government's policy but also of the broad consensus that has existed between the major parties on defence policy since, at least, 1984.

The core of Senator Johnston's new policy is massive cuts to the defence procurement

program, outlined in the 2009 Defence white paper. In fact, Senator Johnston wants to scrap that white paper entirely and write a new one.

The two biggest cuts Senator Johnston wants to make are to halve the number of F35 Joint Strike Fighters we buy and to scrap the plans for 12 new Australian made submarines under the Future Submarine Program. Apparently, he thinks he can save \$30 billion to \$40 billion by scrapping these two programs. Why is Senator Johnston proposing to gut our defence procurement program in such a radical way? The answer is obvious: the coalition is committed to cutting government spending by something in the order of \$70 billion. Slashing our defence procurement is Senator Johnston's contribution to achieving that objective.

Senators opposite do not like being reminded about the \$70 billion black hole they are committed to creating in our budget. Let me remind them what they have been committed to. The shadow treasurer, Mr Hockey, said on 16 August:

Finding \$60, \$70 billion is about identifying waste, identifying areas where you don't need to proceed with programs.

Apparently our nation's defence is an example of waste, and defence procurement is of one of these pesky programs we do not need. The shadow finance minister, Mr Robb, was specifically asked, on *Meet the Press* on 4 September, about whether defence is to be included in this massive cutting of government programs. He said:

We are looking at \$70 billion as a sort of out-marker ... We are looking at every area, there's not one area of any portfolio that is protected.

Let me repeat: 'not one area of any portfolio'. I think that is a line that may come back to haunt the opposition. So we know where Senator Johnston got the idea that he was expected to cut defence procurement by tens

of billions. He got it from Mr Hockey and Mr Robb. We might have assumed that he also got it from Mr Abbott, but we learn today that Mr Abbott does not want to accept the logic of Senator Johnston's policy, and is hanging the senator out to dry.

I will come back to that fascinating question in a minute. But first let us ask the serious question: what would be the effect of scrapping our commitments to buy the F-35 Joint Strike Fighter and to build new submarines for our Navy? It would be to create a massive capability gap for both our Navy and Air Force. It would grievously affect the ability of the Defence Force to carry out the tasks Australia will expect of it over the coming decades. It would also deal a death blow to our defence manufacturing capability. Australia has been intimately involved in the JSF project since its inception—one of the Howard government's better decisions, and one which has always enjoyed bipartisan support. The plane is tailor-made to meet our defence aviation needs for the next 30 years. The JSF is expensive, to be sure, but when the cost is considered over the expected lifetime of the planes, it is not excessive. Senator Johnston himself has acknowledged how important submarine capability is to our defence needs, as an island nation with vulnerable trade routes and offshore assets, in a region in which the naval power of other regional players is growing and expanding. The future submarine program, like the JSF, is expensive, but also like the JSF it will be a long-term asset that will prove its worth over coming decades.

Senator Johnston does not deny that cutting the JSF procurement and scrapping the future submarine program would harm our defence capability. So he has proposed a couple of patch-up solutions. He intends to expand the existing F/A-18 Super Hornets, in the hope that they will do the job that the JSF

is being bought to do. And he would buy cheaper off-the-shelf submarines from somewhere in Europe, despite the fact, which he has acknowledged himself, that they would not meet our very specific operational needs. He would give our Air Force inferior planes, and our Navy inferior submarines—a submarine fleet designed to patrol the Baltic rather than Australia's sea and air approaches.

Near enough is apparently good enough for Senator Johnston. Well, it's not good enough for this government. We have a serious commitment to giving Australia the best possible defence capability. Given our location and our strategic environment, and the best projections of our future strategic environment, that means serious investment in air and naval assets. Senator Johnston is not a stupid person, and I expect he reads the same reports on these questions that I have read. He knows what I have said is true. He knows why we are committing these large sums to these important procurement projects. He also knows that winning public support for defence spending requires bipartisan commitment. Yet he is being driven into this reckless folly by the ideological fetishes of his party and the short-term tactical manoeuvring of his leader. He is being driven into a policy which is dangerous, which is irresponsible, and which he knows he will have to reverse if he ever finds himself as defence minister.

I would think, however, that Senator Johnston's chances of becoming defence minister have been considerably reduced by the reception that his announcement in the *Australian* has received from his own party colleagues. Did it not occur to Senator Johnston that his decision to scrap the future submarine program might be received with something less than ecstasy by his South Australian colleagues? Did he not know that the submarines are most likely to be built in

Adelaide, which, under the strong leadership of Premier Mike Rann, has become a defence manufacturing hub? Apparently not, and apparently also Senator Johnston forgot to warn the honourable member for Sturt, Mr Chris Pyne, of his plans. Mr Pyne rushed to repudiate Senator Johnston's announcement. He told ABC Radio in Adelaide this morning:

I'm making it perfectly clear this morning to you that there is no intention on the coalition's part to reduce our defence capabilities, no intention to reduce the defence budget and South Australia is the pre-eminent place to build and maintain defence infrastructure whether it's through Saab systems or BAE or the Australian Submarine Corporation, we'll continue our history of being the defence hub for this country.

Mr Pyne also said:

Well, there's a very good reason to maintain a capability to build ships and defence infrastructure for Australia's national interest and for our manufacturing sector.

I don't often agree with Mr Pyne but that is an absolutely correct statement.

It is pretty hard to top Mr Pyne's comments as a public slap in the face for Senator Johnston. But Senator Johnston's leader, Mr Abbott, has also rushed to repudiate him. He told Chris Uhlmann:

The coalition will never make savings at the expense of the operational capabilities of our Defence Force.

Since it would of course be impossible to cut the JSF program in half or to scrap the future submarine program without affecting the operational capabilities of our Defence Force, it seems that Mr Abbott has overruled Senator Johnston on both these questions.

This is not the first time Senator Johnston has floated a thought bubble on an important defence matter only to have it shot down almost at once. Last October he sought to lecture the Army on how they ought to be fighting the war in Afghanistan, telling them

that they should be deploying our Abrams tanks there. The then CDF, Air Chief Marshal Houston, had to gently remind Senator Johnston that most of Afghanistan is mountains, and neither the terrain nor our operations were suitable for the deployment of heavy armour.

This whole episode is typical of the tactics of the opposition. They tell us that they must cut the budget by \$70 billion, but they won't say how or where they will do it, and they deny any specific cut when they are asked about it. One minute they tell us that 'there's not one area of any portfolio that is protected', and the next minute they tell us that 'the coalition will never make savings at the expense of the operational capabilities of our Defence Force'. They cannot all be right. Their policy is a swamp of confusion and contradiction. By flagging specific cuts, Senator Johnston has broken the rules of the opposition's game, and that is why his colleagues have been so quick to hang him out to dry. Better luck next time, Senator.

Senate adjourned at 19:29

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

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

Banking Act—Banking Exemption No. 3 of 2011 [F2011L01926].

Banking Act, Insurance Act and Life Insurance Act—Banking, Insurance and Life Insurance (Prudential Standards) Determinations Nos—

1 of 2011—Prudential Standard CPS 231 Outsourcing [F2011L01920].

2 of 2011—Prudential Standard CPS 232 Business Continuity Management [F2011L01921].

3 of 2011—Prudential Standard CPS 510 Governance [F2011L01923].

4 of 2011—Prudential Standard CPS 520 Fit and Proper [F2011L01925].

Civil Aviation Act—

Civil Aviation Regulations—Instrument No. CASA 405/11—Direction – number of cabin attendants [F2011L01916].

Civil Aviation Safety Regulations—Instruments Nos CASA—

EX104/11—Exemption – participation in land and hold short operations [F2011L01915].

EX106/11—Exemption of DAMP organisations for collection and screening of specimens [F2011L01917].

Financial Management and Accountability Act—Notice under section 39A—NBN Co Limited.

Insurance Act—Insurance (Prudential Standard) Determination No. 1 of 2011—Prudential Standard GPS 221 Risk Management: Level 2 Insurance Groups [F2011L01918].

Private Health Insurance Act—

Private Health Insurance (Benefit Requirements) Amendment Rules 2011 (No. 8) [F2011L01924].

Private Health Insurance (Complying Product) Amendment Rules 2011 (No. 4A) [F2011L01919].

Radiocommunications (Receiver Licence Tax) Act—Radiocommunications (Receiver Licence Tax) Amendment Determination 2011 (No. 2) [F2011L01927].

Radiocommunications (Transmitter Licence Tax) Act—Radiocommunications (Transmitter Licence Tax) Amendment Determination 2011 (No. 2) [F2011L01928].

Telecommunications (Consumer Protection and Service Standards) Act—National Relay Service (Participating Persons) Determination 2011 (No. 1) [F2011L01922].

**Indexed Lists of Departmental and
Agency Files**

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

Indexed lists of departmental and agency files for the period 1 January to 30 June 2011—
Statements of compliance—

Australian Public Service Commission.

Foreign Affairs and Trade portfolio.

Office of the Official Secretary to the
Governor-General.

Sustainability, Environment, Water,
Population and Communities portfolio.

QUESTIONS ON NOTICE

The following answers to questions were circulated:

Defence: Staffing

(Question No. 784)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 5 July 2011:

For the period 1 January to 30 June 2011: (a) what savings have been made in reducing the cost of combat capability through the use of Reserves and deployable contractors; and (b) have any one-off savings been made; if so, where are these savings to be found.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(a) In general terms, when considering the contribution of Reserves or contractors to "combat capability" Defence will seek to maximise the strengths and capabilities of each particular element in order to meet the demands of operational force generation, sustainment and rotation requirements. Reserves and contractors will be utilised where most appropriate to ensure our combat capability meets national security requirements. Therefore, the immediate cost of combat capability is not necessarily reduced through the use of Reserves or Contractors.

(b) There have been no 'one off' savings in relation to the use of reserves on operations for the period 1 January to 30 June 2011. In general terms a Reservist will cost more than a full-time soldier for the period of the deployment because a proportion of Reservists will have employers who are eligible for Employer Support Payments.

For contracted service support, an assessment of a one-off saving can be made based on the following example of contracted aircraft support to Operation ASTUTE.

A C130 is significantly more expensive to operate than a commercial aircraft, and consequently the ADF is using contracted service support to reduce costs for airlift in support of Operation ASTUTE (East Timor). A C130 costs approximately \$15,000 - \$21,000 per hour (direct cost) to operate (depending on the C130 variant) and at any given time, the C130 fleet is heavily utilised within the ADF, with its air hour allocation apportioned across operations, exercises, training and contingency tasking. It takes approximately 17 hours flying time for a return task to Darwin, which includes positioning of the aircraft from RAAF Richmond to Darwin and return. The total cost of this exercise would be approximately \$255,000- \$357,000 per movement. Conversely, the cost of the current De Havilland Dash 8 contracted aircraft to conduct this task is approximately \$29,000 per movement (Darwin to Dili and return). In this circumstance, and while the security situation in Dili allows, it is more cost effective to contract commercial airlift for this aspect of support for Operation ASTUTE.

Defence: Staffing

(Question No. 791)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 5 July 2011:

For the period 1 January to 30 June 2011:

(1) (a) How many training days have been allocated to Reserves in each state and territory; and (b) what is the budget allocation to provide these training days.

(2) (a) How many training days were actually used by Reserves in each state and territory; and (b) what was the actual expenditure to provide these training days.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

Navy

For the period 1 July 2010 – 30 June 2011:

(1) (a) (b) Navy allocates training days to individual Funded Reserve Commitment (FRC) and Short Term Reserve Project (STRP) positions that are linked to Navy capability requirements. These positions are allocated to establishments, units and departments across Navy and non-Navy components. These days can be used anytime during the training (financial) year, and are not allocated on a half yearly basis. While just under \$25m was allocated for Reserve salaries for Financial Year 2010/11, just under \$20m was expended in the first half. The unused funds were re-allocated for use in the second half of the financial year, which coincided with a review of the allocation across Navy and non-Navy components. The subsequent re-allocation included changes to the rank levels of Navy Reserve personnel employed, with mainly higher ranks to be employed in the second half of the financial year, meaning that while spending would be maintained, the number of actual days used would reduce. A total of 93,169 training days were allocated used across Navy for the entire Financial Year 2010/11 as follows:

State/Territory	Reserve Training Days
ACT	29,212
NSW	28,378
NT	2,390
QLD	8,881
SA	3,560
TAS	3,226
VIC	8,388
WA	9,134
Totals	93,169

(2) (a) (b) Navy can only provide actual training day and budget expenditure on a national basis. A total of 83,412 training days and \$22,674,177 were expended across Navy and non-Navy components for the entire Financial Year 2010/11.

Army

For the period 1 January to 30 June 2011:

(1) (a) (b) Army Reserve Training Days (ARTD) are not actually allocated by Army. An Army Reserve Training Salary (ARTS) budget is allocated. For Financial Year 2010/11, Army's total ARTS budget allocation was \$125.567m. The amount remaining after the first half of the FY10/11 was \$61,087m.

(2) (a) Approximately 366,119 ARTD were used by Army on a National basis in the second half of Financial Year 2010/11.

(b) An approximation, based upon a pro-rata calculation of the number of Active Reserve personnel in each state, as at 30 June 2011, and the actual expenditure to provide those ARTD, is as follows:

State	Total ARes Pers	% off ARes	Total
ACT	799	4.92	\$3,005,000.00
NSW	4475	27.54	\$16,823,000.00
NT	611	3.76	\$2,297,000.00
QLD	3967	24.42	\$14,918,000.00
SA	1221	7.51	\$4,588,000.00
TAS	596	3.67	\$2,242,000.00
VIC	2930	18.04	\$11,020,000.00

State	Total ARes Pers	% off ARes	Total
WA	1647	10.14	\$6,194,000.00
Totals	16246	100	\$61,087,000.00

Air Force

For the period 1 January to 30 June 2011:

(1) (a) (b) and (2) (a) (b) The Air Force allocation and usage of Reserve training days by State and Territory

And the budget allocation and expenditure to provide these days is as follows:

State/Territory	Reserve Training Days		Budget	
	Allocation	Usage	Allocation	Usage
ACT	6,421	8,454	\$1,889,000	\$2,940,000
NSW	16,587	13,069	\$3,950,000	\$5,850,000
NT	1,379	2,060	\$286,000	\$450,000
QLD	15,535	21,471	\$3,434,000	\$4,850,000
SA	7,011	9,014	\$1,545,000	2,060,000
TAS	845	1,321	\$183,000	\$300,000
VIC	7,764	11,411	\$1,717,000	\$2,810,000
WA	3,979	5,936	\$859,000	\$1,330,000
Totals:	59,521	72,736	\$13,863,000	\$20,590,000

Commonwealth Airports: Lease Agreements**(Question No. 961)**

Senator Fifield asked the Minister representing the Minister for Infrastructure and Transport, upon notice, on 18 August 2011:

(1) Have the lessors of Commonwealth airports, in particular the capital city secondary airports known as: Moorabbin, Essendon, Bankstown, Archerfield, Parafield and Jandakot, fully complied with their lease agreements and acted within the spirit of the lease agreements, if not, can details be provided of which airports have failed to comply with their lease agreements and the circumstances of this breach.

(2) Can the Minister confirm that no lessor of these airports has taken advantage of the restricted market by raising prices above comparable price levels that have generally applied to those airport properties subject to these leases and which would apply to property leases for similar types of property in nearby commercial areas.

(3) Can the Minister confirm that no lessor of these airports has used their market power to impose lease conditions on tenants that are more commercially or physically restrictive to tenants than have been generally and commonly applied to tenants of these airport properties in the past, and which in their terms are more restrictive to the tenants than the terms that apply to similar commercial properties in nearby commercial areas.

(4) Have any lessors of secondary airports had legal action taken against them by tenants who claim to have been disadvantaged commercially and/or to have suffered financial losses, if so, at which airports has this occurred, how many actions have been taken, when did these actions commence and what is the current status of these actions.

Senator Carr: The Minister for Infrastructure and Transport has provided the following answer to the honourable senator's question:

(1) My Department assesses compliance with all airport lease agreements annually. There have been no issues of non-compliance identified to date.

(2) Contracts between airport-lessee companies and their sub-lessees are negotiated on a commercial basis between the parties. Lessees are able to set terms and conditions that reflect a reasonable commercial approach, subject to relevant provisions of the Competition and Consumer Act 2010 which contains specific provisions on misuse of market power. Tenants have access to existing commercial protections and remedies through the Australian Competition and Consumer Commission if they consider the terms and conditions are unreasonable.

(3) Please see response to Question (2).

(4) The legal affairs of airport-lessee companies are matters for those companies.

Office of the Auditing and Assurance Standards Board

(Question No. 991 amended)

Senator Cormann asked the Minister representing the Treasurer, upon notice, on 18 August 2011:

(1) What was the total expenditure of the Office of the Auditing and Assurance Standards Board for the 2010-11 financial year in relation to:

- (a) advertising.
- (b) air travel within Australia in business class.
- (c) air travel within Australia in economy class.
- (d) air travel within Australia by charter flight.
- (e) air travel outside Australia in first class.
- (f) air travel outside Australia in business class.
- (g) air travel outside Australia in economy class.
- (h) air travel outside Australia by charter flight.
- (i) hospitality and entertainment.
- (j) information and communications technology (ICT) costs generally.
- (k) ICT costs to external providers.
- (l) external consultants generally.
- (m) external accounting services.
- (n) external auditing services.
- (o) external legal services. and
- (p) memberships or grants paid to affiliate organisations.

(2) In relation to each of the items referred to in question 1, what is the budgeted total expenditure for the 2011-12 financial year.

- (a) advertising.
- (b) air travel within Australia in business class.
- (c) air travel within Australia in economy class.
- (d) air travel within Australia by charter flight.
- (e) air travel outside Australia in first class.
- (f) air travel outside Australia in business class.
- (g) air travel outside Australia in economy class.
- (h) air travel outside Australia by charter flight.
- (i) hospitality and entertainment.

- (j) information and communications technology (ICT) costs generally.
- (k) ICT costs to external providers.
- (l) external consultants generally.
- (m) external accounting services.
- (n) external auditing services.
- (o) external legal services. and
- (p) memberships or grants paid to affiliate organisations.

Senator Wong: The Treasurer has provided the following answer to the honourable senator's question:

- (1) (a) Nil.
- (b) Total 15,974. Board members and senior staff for meetings, presentations and public forums.
- (c) Total 11,377. Board members and staff for meetings, presentations and public forums.
- (d) Nil.
- (e) Nil.
- (f) Total 28,510. Trans-Tasman.
Accounting & Auditing Standards Advisory Group 2,163.
International Audit & Assurance Standards Board 7,095.
National Standard-Setters meetings 19,252.
- (g) Nil.
- (h) Nil.
- (i) 1,384.
- (j) 42,933.
- (k) 42,933.
- (l) 68,411.
- (m) 1,060.
- (n) 23,500. ANAO.
- (o) \$27,356.
- (p) Nil.
- (2) (a) Nil.
- (b) Total 29,960. Board members and senior staff for meetings, presentations and public forums
- (c) Total 19,681. Board members for meetings, presentations and public forums.
- (d) Nil.
- (e) Nil.
- (f) Total 25,580.
Trans-Tasman Accounting & Auditing Standards Advisory Group 3,600
International Audit & Assurance Standards Board 4,800
National Standard-Setters meetings 18,400
International Financial Reporting Standards, regional policy forum 5,200
- (g) Nil.

- (h) Nil.
- (i) 2,496.
- (j) 21,438.
- (k) 20,835.
- (l) 34,000.
- (m) 1,380.
- (n) 24,440. ANAO.
- (o) 12,000.
- (p) Nil

Department of Parliamentary Services: Architectural Services
(Question No. 1029)

Senator Abetz asked the President, upon notice, on 28 August 2011:

Has the Department of Parliamentary Services contracted the provision of architectural services in 2011; if so:

- (a) what is the purpose of the contract; and
- (b) what is the anticipated final outcome.

Senator Hogg: The answer to the honourable senator's question is as follows.

Yes, the Department of Parliamentary Services (DPS) has contracted the provision of architectural services in 2011.

The table on the following pages lists the details of the individual contracts—commenced or already in place in 2011.

Attachment to Senate Question on Notice 1029 response

2011 DPS contracts for provision of Architectural Services

Start:	Contract purpose:	Name of firm:	Anticipated final outcome:
Jan 2011	Public carpark security wall: To provide architectural documentation for the construction of a security wall in the public underground carpark.	Guida Moseley Brown	Architectural and engineering documentation of the security wall.
Jan 2011	DPS accommodation consolidation: To provide architectural documentation to facilitate minor building works and rationalisation of accommodation areas.	LFA Pty Ltd	Architectural documentation to detail the required staff relocations and building works.
Feb 2011	Sen/HoR security entry redevelopment: Design Services.	HBO EMTB Interiors (ACT) Pty Ltd	Security Entry Points to be redesigned to improve security screening arrangements and to reduce the risk of unauthorised entry.
Mar 2011	Ministerial carpark access security upgrade: Design Advice and Documentation for Construction Phase.	peckvonhartel	Design of security gates on entry and exit to Ministerial basement carpark.
Mar 2011	Loading Dock security upgrade: Design Services.	Pelle Architects Pty Ltd	Loading Dock Area will be redesigned to reduce the risk of unauthorised entry.
Mar 2011	Disability access and height safety: To provide a consolidated report on all height safety and disability access issues across APH. Brief required consultant to reference all prior	Guida Moseley Brown	A consolidated report on all height safety and disability access issues across APH, summarising a prioritised and costed list of required rectification works.

Start:	Contract purpose:	Name of firm:	Anticipated final outcome:
	reports and customer requests (greater than 30) into one report and summarise a prioritised list of required rectification works.		
Apr 2011	Basement Computer Room: To provide architectural design and documentation for modifications to Basement Computer Room.	LFA Pty Ltd	Basement Computer Room with an expanded equipment area to house current and future needs, including security requirements.
Apr 2011	Upgrade Art Store: To provide feasibility study for Art Storage Improvements project.	GHD Pty Ltd	A feasibility report recommending options for refurbished Art Store.
May 2011	Security Check Point 1: Produce Work as Executed drawings.	peckvonhartel	Completed up-to-date drawings.
May 2011	Main catering kitchens refurbishment: To provide architectural documentation advice as required through construction period.	Guida Moseley Brown	Staff Dining Room kitchen to be fully refurbished to full Building Code of Australia & Australian Standards compliance.
May 2011	Refurbish Senate Corporate accommodation: To provide architectural documentation and advice as required through the construction period.	LFA Pty Ltd	Senate Corporate Accommodation areas will be refurbished.
May 2011	Ceiling Tile replacement project: To provide a report on the condition of the plaster ceiling tiles throughout the building with recommendations for replacement if required.	LFA Pty Ltd	A feasibility report with recommendations on upgrade requirements and methodology.
Jun 2011	Strategic accommodation review of APH: To provide a report on future accommodation opportunities across the Parliamentary Precincts from members of the original APH design team (including the APH architect, Mr Romaldo Giurgola)	Guida Moseley Brown	A report on future accommodation possibilities across Parliamentary Precincts.
Aug 2011	Second Floor Library: Detailed feasibility study for options on rationalising accommodation space in Second Floor Library. Report is to build on information from previous reports by HBO, and provide costed options considering detailed seating layouts and required engineering works.	Guida Moseley Brown	A feasibility report for options on rationalising accommodation space in the Second Floor Library.

Other contracts in place at start of 2011

Start:	Contract purpose:	Name of firm:	Anticipated final outcome:
Dec 2009	Male public toilets refurbishment: To provide architectural documentation for Male Public Toilet Refurbishment project and advice through the construction period, and produce Work as Executed architectural drawings	peckvonhartel	Refurbished Public toilets including fabrics & plumbing services.
Jan 2010	DPS office accommodation (behind Staff Dining Room): To provide architectural documentation and construction advice through the construction period and produce Work	BVN Architecture	New office accommodation in the area behind the Staff Dining Room.

Start:	Contract purpose:	Name of firm:	Anticipated final outcome:
Aug 2010	as Executed architectural drawings. Mail Room: Design Advice.	GHD Pty Ltd	New mail screening room.
Nov 2010	Refurbishment of Ground Floor Library: To provide architectural documentation and advice through the construction period.	HBO EMTB Interiors (ACT) Pty Ltd	Ground Floor Library will be refurbished to meet contemporary operational requirements.
Nov 2010	Parliamentary Security Operations Room (PSOR) 1 relocation: Provision of architectural and services documentation for the construction of the new facility to house the PSOR, Emergency Control Centre & Security systems and provide advice during construction period.	GHD Pty Ltd	New Parliamentary Security Operations Room.