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SITTING DAYS—2015

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FORTY-FOURTH PARLIAMENT
FIRST SESSION—FIFTH PERIOD

Governor-General
His Excellency General the Hon. Sir Peter Cosgrove AK, MC (Retd)

House of Representatives Office holders
Speaker—Hon. Bronwyn Kathleen Bishop MP
Deputy Speaker—Hon. Bruce Craig Scott MP
Second Deputy Speaker—Mr Robert George Mitchell MP
Members of the Speaker’s Panel—Mr Russell Evan Broadbent MP,
Mr Alexander George Hawke MP, Mr Ian Reginald Goodenough MP,
Mrs Natasha Louise Griggs MP, Ms Sarah Moya Henderson MP,
Mr Stephen James Irons MP, Mr Ewen Thomas Jones MP, Mr Craig Kelly MP,
Ms Michelle Leanne Landry MP, Mrs Jane Prentice MP, Mr Donald James Randall MP,
Mr Ross Xavier Vasta MP, Mr Brett David Whiteley MP, Mrs Lucy Elizabeth Wicks MP

Leader of the House—Hon. Christopher Pyne MP
Deputy Leader of the House—Hon. Luke Hartsuyker MP
Manager of Opposition Business—Hon. Anthony Stephen Burke MP
Deputy Manager of Opposition Business—Hon. Mark Dreyfus QC MP

Party Leaders and Whips
Liberal Party of Australia
Leader—Hon. Anthony John Abbott MP
Deputy Leader—Hon. Julie Isabel Bishop MP
Chief Government Whip—Mr Scott Buchholz MP
Government Whips—Mr Andrew Alexander Nikolic, AM, CSC and
Ms Nola Bethwyn Marino MP

The Nationals
Leader—Hon. Warren Errol Truss MP
Deputy Leader—Hon. Barnaby Thomas Gerard Joyce MP
Chief Whip—Mr Mark Maclean Coulton MP
Deputy Whip—Mr George Robert Christensen MP

Australian Labor Party
Leader—Hon. William Richard Shorten MP
Deputy Leader—Hon. Tanya Joan Plibersek MP
Chief Opposition Whip—Mr Christopher Patrick Hayes MP
Opposition Whips—Ms Jill Griffiths Hall MP and Ms Joanne Catherine Ryan MP

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Members of the House of Representatives

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<tr>
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<td>Wilson, Mr Richard James</td>
<td>O'Connor, WA</td>
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<td>Wyatt, Mr Kenneth George AM</td>
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<tr>
<td>Zappia, Mr Antonio</td>
<td>Makin, SA</td>
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**PARTY ABBREVIATIONS**

ALP—Australian Labor Party; LP—Liberal Party of Australia; NATS—The Nationals;
IND—Independent; NATSWA—The Nationals WA; CLP—Country Liberal Party;
AUS—Katters Australia Party; AG—Australian Greens; PUP—Palmer United Party

### Heads of Parliamentary Departments

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Parliamentary Budget Officer—P Bowen
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Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. However, there is a Department of Human Services in the Social Services portfolio and a Department of Veterans’ Affairs in the Defence portfolio. The title of a department does not necessarily reflect the title of a minister in all cases.
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The SPEAKER (Hon. Bronwyn Bishop) took the chair at 9:00, made an acknowledgement of country and read prayers.

BILLS

Fair Work (Registered Organisations) Amendment Bill 2014 [No. 2]

First Reading

Bill and explanatory memorandum presented by Mr Pyne.

Bill read a first time.

Second Reading

Mr PYNE (Sturt—Leader of the House and Minister for Education and Training) (09:01):

I move:

That this bill be now read a second time.

I rise to reintroduce the Fair Work (Registered Organisations) Amendment Bill 2014 [No. 2] because this government stands on the side of the honest worker. We are absolutely committed to ensuring that we never again have a situation like the one that occurred in the Health Services Union where union bosses can rip off union members.

The Fair Work (Registered Organisations) Amendment Bill implements the government's election commitment outlined in the 'Policy for Better Transparency and Accountability of Registered Organisations'. It will enhance the accountability and transparency of registered organisations by broadly aligning the obligations of office holders, penalties and powers of the regulator with the Corporations Act 2001.

The bill increases civil penalties and introduces criminal offences for serious breaches of officers' duties similar to those applicable under the Corporations Act. The bill also establishes the Registered Organisations Commission as independent but within the Office of the Fair Work Ombudsman.

Most importantly, especially for those opposite who claim this to be a partisan venture, the policy principles behind this bill are supported by Labor luminaries like Simon Crean, Martin Ferguson, Robert McClelland, even Paul Howes, Ian Cambridge and Steve Purvinas—all doyens of the labour movement. The bill also addresses concerns raised in the Federal Court by His Honour Justice Anthony North, who said that the penalties under the existing legislation are 'beneficially low to wrongdoers'.

This legislation will bring penalties in line with the Corporations Act, because we believe that there is no difference between a dodgy company director ripping off shareholders and a dodgy union boss ripping off members.

I want to absolutely stress that the only people who have anything to fear from this bill are those who are doing the wrong thing. I also want to reaffirm that the government firmly believes that the vast majority of officers of registered organisations do the right thing.

The bill was previously voted down in the Senate, but it is important to recognise that the debate was bizarre in that the primary reasons that the opposition opposed the bill are in fact actually issues already enshrined in the legislation as it currently stands today and are in full
force. The onerous disclosure obligations that currently exist were in fact imposed by the Leader of the Opposition when he was the Minister for Workplace Relations, and they will be removed under the government's bill.

For example, the government moved amendments to remove unnecessary disclosure requirements on officers and organisations that were first included by the previous government's 2012 amendments to the Fair Work (Registered Organisations) Act 2009.

They align disclosure requirements more closely with longstanding governance and accountability provisions under the Corporations Act 2001.

We have moved amendments to section 293C, which relate to disclosure of material personal interests of officers. This will significantly reduce the number of officers who will be required to make disclosures. The amendments ensure that:

- Only disclosing officers, those whose duties relate to financial management of the organisations, must disclose their material personal interests.
- Officers no longer need to disclose the material personal interests of their relatives.
- Disclosures also only need to be made to an organisation's committee of management and can be given as standing notice. Previously, disclosures had to be given to the entire organisation and included in the officer and related party disclosure statement.
- Previously there were no exceptions to the requirement for officers to disclose their material personal interests. A number of new exceptions have been included. A disclosing officer does not need to disclose their interests if, for example, they:
  - arise because they are a member of a registered organisation and the interest is held in common with other members;
  - arise in relation to their remuneration as an officer;
  - relate to a contract the organisation is proposing to enter into that needs to be approved by members and will only impose obligations if approved by members; or
  - if the interest is in a contract with a related party and arises merely because the officer is on the board of the related party or if the officer has given standing notice of their interest.

The government also moved to amend the current law to ensure that financial officers with relevant experience can apply to the Registered Organisations Commissioner for an exemption from approved governance training. This will mean fewer officers who are required to undertake such training.

These are all issues that were identified by Labor as problems. They are problems that exist in the law as it stands today. They are problems created by Labor, and we will fix them with this bill.

As my colleague the Minister for Employment has said previously, there is only one major party in this place that supports a clean and honest union movement. And it is not the party of the unions. In opposing this bill in the other place, the opposition demonstrated that it has learned nothing, and that its first instinct is to protect crooked union bosses rather than honest union members. This bill, had it been in place, would have protected union members from the likes of Craig Thomson and Michael Williamson. By not supporting the bill, the opposition is leaving union members at the mercy of future Craig Thomsons and Michael Williamsons.
I will not seek to cover the bill in further detail given that this is a reintroduction. I simply call on all members to support honest union members and honest union bosses by supporting this bill.

I commend the bill to the House.

Debate adjourned.

**Crimes Legislation Amendment (Powers, Offences and Other Measures) Bill 2015**

**First Reading**

Bill and explanatory memorandum presented by **Mr Keenan**.

Bill read a first time.

**Second Reading**

**Mr KEENAN** (Stirling—Minister for Justice) (09:08): I move:

That this bill be now read a second time.

The Crimes Legislation Amendment (Powers, Offences and Other Measures) Bill 2015 delivers on the government’s commitment to tackle crime and to make our communities safer. By providing our law enforcement agencies with the tools and powers they need to do their job, and by ensuring Commonwealth laws are robust and effective, this bill reflects this government’s efforts to target criminals and reduce the heavy cost of crime for all Australians.

The bill contains a range of measures across various Commonwealth acts. These include measures to:

- implement tough penalties for gun-related crime;
- ensure our criminal offence regimes are robust and effective; and
- ensure efficient arrangements for administering criminal law and related provisions.

I will address the key measures in the bill in further detail.

**Penalties for firearm trafficking offences**

It is the government’s strongly held view that now, more than ever, we need to do everything we can to ensure the safety of all Australians. Critical to this is disrupting the illegal firearms trade.

We know that firearms trafficking is a deadly crime and a huge threat to the safety of our communities.

That is why the government took to the election a commitment to implement tougher penalties for gun-related crime.

This bill will again introduce mandatory minimum sentences of five years imprisonment for offenders charged with trafficking of firearms or firearm parts under the Criminal Code Act 1995.

Mandatory minimum sentences send a strong message that gun-related crime and violence is a serious threat to the safety of all Australians.

These mandatory minimum sentences are not without safeguards. They do not include specified non-parole periods, nor do they apply to minors, providing courts with discretion to
set custodial periods consistent with the particular circumstances of the offender and the offence.

These mandatory minimum sentences and the offences introduced through the Crimes Legislation Amendment (New Psychoactive Substances and Other Measures Bill) 2014 reflect the seriousness with which the government views gun crime, and the gravity of supplying firearms and firearm parts to the illicit market.

**Robust and effective criminal laws**

A key part of ensuring our communities are safe is making sure that our criminal laws remain up to date and able to deal with changing forms of offending. The bill contains a series of measures which support this aim.

**Serious Drug Offences**

Schedule 1 of the bill aims improve the operation of the serious drug and precursor offences in the Criminal Code. In particular, these measures will make recklessness the fault element for attempted offences and remove the intent to manufacture element from offences relating to the importation of border controlled precursors.

The amendments to the border controlled precursor offences are particularly important in supporting the government's response to the growing problem of methamphetamine and ice, and the widespread devastation and destruction that it causes. The domestic production of methamphetamine and ice is increasingly using precursor chemicals sourced from overseas. The Australian Crime Commission has noted this trend, which involves a steady increase in the number of detections of precursors in recent years.

These amendments will make the enforcement of the border controlled precursor offences simpler and more effective, without affecting legitimate industry. They will improve our ability to bring persons who seek to profit from the trade in illicit drugs to justice, and ensure that they face severe punishment for their crimes.

**Forced marriage**

The bill will also expand the definition of forced marriage in the Criminal Code. The forced marriage offences currently apply where a person does not freely and fully consent to a marriage because of coercion, threat or deception.

Since the offences came into force in 2013, the Australian Federal Police have become aware of cases such as that of a 12-year-old girl who purportedly consented to marry a much older man. These amendments will make clear that the forced marriage offences apply where a person is incapable of understanding the nature and effect of a marriage ceremony, including because of their age or mental capacity.

Forced marriage offences currently carry a maximum penalty of four years imprisonment for a base offence and seven years imprisonment for an aggravated offence. The government has conducted a review of these offences and has determined to increase the penalties to seven years and nine years respectively, to ensure they are commensurate with the most serious slavery-related facilitation offence of deceptive recruiting.

The increased penalties reflect the seriousness of forced marriage as a slavery-like practice, a form of gender-based violence and an abuse of human rights, which puts people at risk of emotional and physical abuse, loss of autonomy and loss of access to education. These
amendments will assist authorities to protect the most vulnerable in our society from this insidious crime.

**Knowingly concerned**

The bill will also make sure there are sufficient prosecuting options in Commonwealth criminal law, by making those who are 'knowingly concerned' in the commission of an offence liable for their involvement. This will ensure that people who actively participate in crime, but cannot currently be held liable for it because they do not neatly fit within existing categories of liability, can nonetheless be prosecuted.

The concept of 'knowingly concerned' was previously included in the Crimes Act, but was not carried over to the Criminal Code when it was drafted in the 1990s. Its absence has since attracted judicial comment, and the Commonwealth Director of Public Prosecutions has found its absence has hindered prosecutions, often making them more complex and less certain.

The bill will ensure those knowingly involved in supporting and enabling crimes like importation of illegal drugs, fraud and insider trading are held responsible, despite the fact that they were not the person taking delivery of the drug, handing over the money or forging the signature.

**Foreign bribery, war crimes**

Certain measures in the bill are designed to ensure that Australia meets its obligations under international laws.

The bill will strengthen the of bribing a foreign public official to clarify that proof of intent to influence a particular foreign official is not required to establish the offence. This reflects Australia's obligations under the OECD Anti-Bribery Convention and sends a strong message that Australia takes a zero-tolerance approach to corruption.

The bill will also amend war crime offences relating to violations of dignity of deceased persons in non-international conflict zones. These amendments support Australia's international obligations and reflect our strong commitment to hold those responsible for atrocities in conflict zones to account.

**Effective powers for law enforcement**

The government has consistently expressed its strong commitment to supporting law enforcement agencies and providing them with the right tools and powers.

**Anti-money laundering and counterterrorism financing**

This bill will make several amendments to the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 to address enforceability issues and reduce operational constraints that have been identified by the Australian Transaction Reports and Analysis Centre (AUSTRAC).

A robust anti-money laundering and counterterrorism financing regime is essential for Australian businesses to remain competitive in the global market and to ensure financial integrity and stability.

These amendments will ensure that AUSTRAC has the necessary operational flexibility to both more efficiently undertake its role as Australia's anti-money laundering and counterterrorism financing regulator, and more effectively protect the Australian community
and businesses from the economic, social and national security impacts of terrorism and organised crime.

**Australian Commission for Law Enforcement Integrity**

This bill will make a range of minor amendments to the Law Enforcement Integrity Commissioner Act 2006 to improve the general operation of the act and empower the Integrity Commissioner to perform his or her functions efficiently and effectively, while also providing sufficient safeguards around the exercise of those functions.

In particular, the amendments will ensure that the Integrity Commissioner's powers under the act are clear and consistent and that he or she may delegate those powers where appropriate. The amendments will give the Integrity Commissioner greater discretion about how to deal with law enforcement corruption issues.

These amendments support the government's election commitment to stamp out corruption within Australia's law and border enforcement agencies.

**Australian Crime Commission**

This bill will improve the efficiency and effectiveness of special operations and investigations undertaken by the Australian Crime Commission. The bill will clarify who is eligible to apply for a search warrant under the act, expedite the return of items produced in an examination, and update references to secrecy provisions that preclude an agency from disclosing information to the ACC.

**Controlled operations, state anti-corruption bodies**

This bill will make minor amendments to clarify the Commonwealth's controlled operation provisions. In particular, the bill will make it clear that only the most senior officers in the Australian Federal Police may authorise certain variations to controlled operations that involve high risks to operatives.

**Ensuring effective arrangements for administering criminal law and related provisions**

The bill also contains a range of measures aimed at streamlining processes for administering criminal justice measures.

**Federal offenders**

This bill will make several minor amendments to improve a range of processes in relation to federal offenders.

Technical amendments to part 1B of the Crimes Act 1914 will improve clarity and enhance the administrative efficiency of decisions made under the act relating to sentencing, imprisonment and release of federal offenders.

This bill will make minor amendments to the Transfer of Prisoners Act 1983, which will improve the interstate transfer processes for approved federal prisoners.

The bill also provides clear legislative authority to facilitate information sharing relevant to federal offenders between Commonwealth, state and territory agencies for the purposes of performing specified legislative functions. The amendments will ensure informed decisions are made in line with legislative obligations.
Proceeds of Crime

The government is committed to depriving criminals of the proceeds and benefits of criminal conduct. To this end, the bill will make minor technical amendments to the Proceeds of Crime Act 2002 to:

- increase existing penalties for failing to comply with a production order or with a notice to a financial institution in proceeds of crime investigations,
- increase the integrity of the process for appointing persons to conduct proceeds of crime examinations,
- facilitate the administration of confiscated Commonwealth asset by the Official Trustee in Bankruptcy, and
- address ambiguity in existing provisions.

Technical corrections and consequential amendments

Finally, the bill will make a series of technical corrections and minor and consequential amendments to various Commonwealth laws.

The first series of minor amendments follow on from changes to state and territory laws. These amendments will extend information access provisions to the newly established Independent Commissioner Against Corruption of South Australia, consistent with the approach taken for other state anti-corruption bodies, and will update various Commonwealth laws to reflect the new name of Queensland's Crime and Corruption Commission, which changed its name in July 2014.

Finally, the bill makes minor editorial amendments to the Classification (Publications, Films and Computer Games) Act 1995 to fix errors and provide consistency with current drafting practices.

Conclusion

This bill contains important measures that will protect Australian's from gun-crime. The bill will also ensure Commonwealth criminal law remains robust, and provide the tools our law enforcement agencies need to combat crime.

In this way, the government is delivering on our commitment to tackle crime and keep our community safe.

Debate adjourned.

Governance of Australian Government Superannuation Schemes Legislation Amendment Bill 2015

First Reading

Bill and explanatory memorandum presented by Mr McCormack.

Bill read a first time.

Second Reading

Mr McCormack (Riverina—Parliamentary Secretary to the Minister for Finance) (09:22): I move:

That this bill be now read a second time.
The Governance of Australian Government Superannuation Schemes Legislation Amendment Bill 2015 merges ComSuper, the current administrator of the Australian government's civilian and military defined benefit superannuation schemes, with Commonwealth Superannuation Corporation (CSC), the trustee of the Australian government schemes.

The merger forms part of the Smaller Government agenda which aims to reduce the total number of government entities by eliminating duplication and overlap and by simplifying inefficient and complex agency structures. Ultimately this agenda is about ensuring that the Australian government is structured and operates in a way that delivers efficient services, robust advice and value for money for taxpayers.

Consistent with our Smaller Government agenda, the merger of ComSuper with CSC will improve the efficiency of the management of Australian government superannuation by removing duplication and overlap. It will also provide CSC with control over the administration of the Australian government's defined benefit superannuation schemes, consistent with CSC's regulatory responsibility for this function as trustee of these schemes.

The government's decision to merge ComSuper with CSC reflects that CSC is ComSuper's sole client for administration services.

The merger is the next step in streamlining the governance of the Australian government's civilian and military superannuation schemes, a process commenced in 2011 when the then three trustees of the schemes were merged to form CSC.

The merger provides for continuity of the management of the Australian government superannuation arrangements under one Commonwealth entity. CSC will continue in existence, assuming responsibility for the delivery of administration services in relation to the Australian government's civilian and military defined benefit schemes. CSC is a corporate Commonwealth entity for the purposes of the Public Governance, Performance and Accountability Act 2013 and will remain so after the merger.

The overall effect is that CSC will be responsible for the provision of administration services in relation to the Australian government's civilian and military superannuation schemes for which it acts as trustee.

CSC will also be responsible for the provision of administration services in relation to the proposed new Australian Defence Force superannuation arrangements when they commence in 2016.

The reform will not change the design of benefits provided by the civilian and military superannuation schemes. Additionally, the bill does not affect the delivery of services, including benefit payments, to members of the schemes.

As a result of the merger, the bill transfers the assets and most of the liabilities of ComSuper to CSC.

The administration services that CSC will perform in relation to the Australian government's civilian and military defined benefit schemes will include:

- collection of member contributions;
- maintenance of member accounts;
- payment of lump sum and fortnightly pension benefits;
communications with members and employers; and
dispute resolution.

As a result of the reform, CSC will also undertake certain financial functions on behalf of the Commonwealth in relation to the Australian government's civilian and military defined benefit schemes. This includes:

- paying superannuation benefits from Commonwealth appropriations;
- collection of administration fees and notional employer contributions from agencies that have employees in the superannuation schemes; and
- recovery of debts owing to the Commonwealth in relation to superannuation scheme payments.

CSC’s costs of administering the Australian government's defined benefit superannuation schemes will continue to be largely covered by administration fees collected from employer agencies. In order to maintain the current tax treatment of these fees and any moneys that may be appropriated by parliament for administration purposes, the bill amends CSC’s enabling act to make CSC exempt from income tax in relation to relevant payments.

As ComSuper will cease to exist on merger, the bill repeals ComSuper's establishing act, the ComSuper Act 2011.

The bill also makes consequential amendments to Commonwealth acts of parliament governing the Australian government's civilian and military superannuation schemes, to take account of the merger.

A range of transitional arrangements are included in the bill to support the implementation of the merger. Importantly, they include provisions dealing with the transfer of ComSuper staff from Australian Public Service employment to CSC employment. This transfer will be achieved through a determination of the Australian Public Service Commissioner under the Public Service Act 1999. Under these provisions, ComSuper staff will maintain their accrued entitlements to benefits on transfer to CSC employment. They will also continue to be covered by the ComSuper enterprise agreement at CSC, which will help to ensure that their remuneration and conditions of employment are no less favourable than those which applied to them immediately before the merger.

The bill also amends the Superannuation Act 2005 so that the cost of administering the Public Sector Superannuation accumulation plan (PSSap), established by that act, will be deducted from the accounts of PSSap members. These new arrangements will bring PSSap into line with private sector accumulation superannuation funds where members pay for the administration of their accounts. The PSSap administration fees will be determined by CSC.

This bill reflects the government’s commitment to eliminating duplication and overlap by simplifying inefficient and complex agency structures. It provides continuity in the management of Australian government superannuation, including both trustee and provision of administration services, under one Commonwealth body, namely CSC. This streamlining of the governance of Australian government superannuation will improve the efficiency and the effectiveness of the arrangements.

I commend the bill to the House.

Debate adjourned.
Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014
Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

to which the following amendment was moved:

That all words after "That" be omitted with a view to substituting the following words:

"the House declines to give the Bill a second reading until a review is carried out with particular reference to:

(1) how civil litigants would be able to access the data collected;

(2) the adequacy of data destruction requirements for data acquired under the scheme; and

(3) consider the impacts on, and implications for, journalism and other sensitive professions and their work under the legislation.

Mr THISTLETHWAITE (Kingsford Smith) (09:29): When I concluded last night, I was making the point that the Telecommunications (Interception and Access) Amendment (Data Retention) Bill, which we are debating here today, is vastly different and, in my view, superior to the one that was introduced by the Minister for Communications in October last year, and this is principally because of the amendments that the Labor Party has been able to secure through the negotiation process and also the work of the Parliamentary Joint Committee on Intelligence and Security. I would like to go through some of those amendments.

Firstly, this bill now fixes the dataset that agencies can access. The dataset will not be left to later regulation as was proposed in the original bill but will be fixed in the current legislation. It is a vastly superior amendment, and it can only be expanded with the consent of the parliament.

Secondly, the list of agencies that can access the metadata will now be limited. Only those agencies dealing with national security and serious law enforcement will be able to access metadata from ISPs, so we will not have the situation of this legislation authorising local councils and the RSPCA and the like to access people’s metadata. The list of agencies is now limited. and that list can only be expanded, once again, with the consent of the parliament. This has tightened up the legislation. Far fewer agencies will be able to access people’s metadata under this proposal than is currently the case.

Thirdly, the original bill did not limit data access for civil litigation. The metadata that was accessed by agencies could have been used in civil litigation against customers of ISPs. This amended bill limits the access to serious criminal law enforcement. Also, the original bill provided no right for individuals to access their own metadata. This amended bill, as a result of one of the recommendations of the PJCIS inquiry, does allow people to access their own metadata. This bill implements a mandatory data breach notification system which protects the rights of, and provides information for, customers of ISPs.

The cost is yet to be fully disclosed by the government, although it is estimated that the capital cost of the scheme will be anywhere between $188 million and $300 million. Labor has very, very clearly insisted from the beginning that the cost of this scheme should not be
borne by small businesses, households and customers. The cost should not be borne by those individuals. The cost should be borne by the government. Yesterday, in this parliament, we had the next round of the political stunt that is the government’s red tape repeal day. If the government is serious about repealing red tape and about reducing costs on small businesses in this country, it will not impose the cost of this scheme on consumers and on small businesses in this country.

Fourthly, the Ombudsman is given an oversight role under this legislation. Originally, the government was proposing that the Ombudsman play this role but without the additional resources to perform what will be an additional task for the office of the Ombudsman. So Labor has secured not only the oversight role of this legislation but also the additional funding for the Ombudsman to perform that role.

Fifthly, I would like to make a point in respect of freedom of the press and protection of journalists and their sources. This is a principle that Labor sees as very important, fundamental, to the strength of good democracy. The original bill did not propose any protection for journalists and their sources. Labor has recommended amendment of the bill such that a warrant process is put in place to ensure that a judge, an independent judicial officer, makes a decision on whether or not access can be granted to metadata in respect of journalists and their sources. An additional layer of protection of that principle of freedom of the press is something that Labor is serious about. We have insisted that the government, through a further inquiry of the Parliamentary Joint Committee on Intelligence and Security, look at this issue and that the government should amend the bill to ensure that that warrant process is undertaken.

The final point to make is that this is a vastly different bill to the original one that was proposed by the Minister for Communications in October last year. It has gone through a process of careful consideration and investigation by the Parliamentary Joint Committee on Intelligence and Security. Labor has insisted on improvements that guarantee protection of privacy for individuals and protection of freedom of the press. It is on that basis that Labor is offering support for this amended bill.

The new bill and the new law will introduce a better scheme into Australia when it comes to the storing and accessing of metadata, the privacy rights of individuals and who can access that information. There will be more protections for citizens and their privacy, clearly defined datasets, restricted access by government agencies—most notably those involved in investigating serious crime—access to data by citizens in respect of their own metadata and protection for journalists. Importantly, Labor has secured amendments to ensure that the operation of the bill will be reviewed two years after the commencement of the bill.

In conclusion, I am pleased that Labor was able to make such important changes to what is a very important law, and one that has generated quite a bit of interest, not only in my community but also in the wider Australian community. I thank those constituents of Kingsford Smith who have contacted me and given me their views on this very important issue. I appreciate the concerns that have been raised. I have considered those concerns. I have consulted with experts. I have consulted with Labor’s representatives on the Parliamentary Joint Committee on Intelligence and Security. I have read the report thoroughly, and it is on that basis that I have made the decision to support this bill. But Labor’s job is not done yet. We will maintain a vigilant eye on the content and passage of this
Mr STEPHEN JONES (Throsby) (09:38): The starting point for all MPs in considering matters such as this is that national security is the first obligation of any sovereign government. As such, it should transcend the day-to-day rancour of partisan politics. Of course, that does not obviate the need of all members of this place to carefully scrutinise the details of every piece of legislation. It does not mean that you merely need to attach the words 'national security' to a policy proposition or a bill to ensure bipartisan support for that proposition.

Indeed, on this side of the House we reflect upon the words of the great Ben Chifley who said to Prime Minister Menzies, in the midst of our nation's greatest challenge when the war in the Pacific broke out, that he offered full support to our troops and to the government in the support of the security of our nation, but that did not mean that he would not offer patriotic criticism when he believed the details of the government's strategy, or the implementation of that strategy, had gone wrong. We, on this side of the House, offer the government patriotic criticism when we believe that they have mishandled either the debate, the drafting of the legislation or the process of that legislation through the parliament.

This is one of those circumstances where patriotic criticism is needed because from the beginning of this matter—when in August last year the Prime Minister and the Attorney-General announced their intention to introduce into the parliament legislation which would mandatorily require the retention of data—they mishandled it from beginning to end. We saw the disastrous press interview with the Attorney-General, who struggled over an excruciating 30 seconds that felt more like 30 minutes to define what metadata was all about, only to be rescued by the communications minister about a week later. At no point between then and now has the government regained its composure when attempting to deal with the public debate around this matter.

It has fallen to Labor, in many respects, to do the right thing by the parliament and by the country—to look at this legislation on its merits, to point out the obvious short fallings and to ensure that we can improve it where it needs to be improved. Had the government not mishandled the debate so tragically, they could have pointed out a raft of things which we believe need to be injected into the public debate. For example, the original proposal sought to mandate the retention of data but not the regime for accessing it. It was only after stern advocacy of Labor members of parliament that the bill was widened in its scope.

Throughout that debate, and over the last nine or 10 months when we have been gripped by this issue, at no point in time was the government able to clearly articulate to the Australian people the amount of data that is currently stored by telecommunications companies, including internet service providers and others. At no time during the debate have they pointed out that in many respects this data is already stored. What their original proposal was trying to do was to put in place a standard regime for the storage of that data. At no point during the debate did they point out that at the moment there are thousands and thousands and thousands of applications per year to access the details of that metadata. I am advised that in 2012-13 alone over 320,000—that is right, over 320,000—applications were made by law enforcement agencies and other government authorities for access to the data which is the
subject of this debate before the House today. Some of those applications for data, indeed over one-third of them I am advised, came from the New South Wales Police Force.

Some of those applications were for a good cause. I do not think that there is any right-thinking member of this House or in this country who would disagree with that. For example, when the Victorian police force were trying to track down the person who was responsible for the grisly murder of the ABC journalist Jill Meagher, nobody—no right-thinking person—would have criticised the Victorian government for using metadata to be able to match up the location of the perpetrator and the location of the victim in the one vicinity, and therefore being able to relatively quickly track down the man who was subsequently found guilty of that horrible murder. No right-thinking person would say that is an inappropriate use of a law enforcement agency’s access to that metadata. That was not explained sufficiently, and as a result there has been enormous misunderstanding about it. I pointed this out as a very valid access by a law enforcement agency to metadata.

Many of us can point to equally dubious requests or attempts to access that metadata. We have heard of examples of the Queensland police spying on its own employees, trying to find their location when they were not reporting for duty, for example. We have seen councils using metadata to spy on their staff.

Mr Danby: Bankstown.

Mr STEPHEN JONES: The member for Melbourne Ports reminds me that this was something that occurred at the Bankstown City Council, where I believe that they were using access to metadata to find out whether people were dropping their McDonald's wrappers and other litter around the streets of the municipality. I am sure a lot of people would look at those sorts of examples, scratch their heads and say, 'Is this the intention? Where is the national security imperative in allowing access to data for these sorts of purposes?'

The completely cack-handed mishandling of this debate has allowed a misunderstanding to occur, and it has also meant that the focus has been on the wrong issue. I have had a long history of dealing with telecommunications companies in this country in many different capacities. I know that for billing reasons, for example, and for resolving disputes between wholesalers and retailers and between customers and the telecommunications companies, they do keep this data, sometimes for two years; sometimes for much in excess of two years. Much of that data is kept, not always in a standard form. The inability of the government to clearly articulate these issues and what it was trying to do and then put a proper set of constraints around its proposal has meant the debate has completely gone off the rails. Labor has had to do the right thing by the country and the parliament to try and bring the debate back and the legislation back to a sensible proposition. We have put in a lot of effort, through the PJC process amongst other processes, to ensure that the obvious defects in this legislation have been remedied. I have to say that that is consistent with the approach that we have taken in this place with the foreign fighters bill when that was brought before the House and the counterterrorism legislation amendment bill—an approach that we have continued to follow.

If I take you through some of the concerns that we had had with the original bill and the action that has been taken by Labor members, both in the PJC process and in our discussions with the government, you will see where the obvious deficiencies in the bill have, in some part, been remedied and why more work is yet to be done. For example, in its original form, the bill left the definition of metadata and the datasets to be retained in regulation, setting very
loose parameters on the matters which were to be prescribed. We thought that this was not
good enough and that there needed to be a definition of metadata—what was metadata and
what was not metadata—in the bill itself, and that has to some extent been remedied by the
legislation before the House today. In its original form, the bill limited access to retained data
to a list of agencies. The government have made a lot of noise about this change, saying that
access was not going to be granted willy-nilly to a whole range of agencies—and we reflect
upon the Bankstown City Council example that the member for Melbourne Ports reminded
me of just now—but it left a huge back door by allowing the Attorney-General a broad
discretion to add to that list of agencies or individuals who may have access to that metadata.
We thought that that was not good enough. If the data is to be stored in a mandated form, this
is an opportunity for us to put more protections into the existing deficient regime around who
and under what circumstances a person can have access to that metadata.

A third deficiency was that the government's bill did not prevent retained data from being
accessed in ordinary civil litigation. If the purpose of this bill is to provide our law
enforcement agencies, and particularly our national security agencies, with another arrow in
their quiver, then we must put some fences around this, and that does not extend to every civil
litigant or defendant in this country having access to metadata for God knows what purposes
in whatever litigation. That is not a proper purpose for accessing this sort of information.

The original bill did not provide for individuals to access their own data. It has been a
consistent principle of privacy legislation since it was first introduced into Australia that
citizens have a right to know the information that is being recorded and is being stored when
that information pertains to them. That is an issue that has been remedied by amendments
pursued by Labor members. In particular, I want to point out the importance of ensuring that
individual citizens are notified if there has been a breach that affects their data. If there has
been a security breach and their data has been impacted, the very least obligation that the
government has in this respect is to ensure that the individual is notified of such a breach.

The original bill made no provision for encryption of data, even though it had been
recommended in an earlier inquiry. The bill was silent on who would bear the costs of the
regime—that needs to be remedied—and the government's bill provided no sufficient
oversight and no guarantees that the ombudsmen having an oversight role would be
sufficiently funded to perform that oversight function.

Many who have followed the national security debates and the relationship between
national security agencies and this parliament would know that, on the Labor side of
parliament, we have long advocated for a greater role in scrutiny by parliament and the
committees of this parliament of national security agencies. We take the opportunity of this
matter being before the parliament to say that we will introduce a bill to enhance the oversight
powers of the PJCIS in respect of operational matters, because we think it is right and proper
that the citizens of Australia, through their elected representatives, have oversight of our
security agencies.

In the time left to me I want point to two issues that are of continuing concern. Firstly,
press freedom. In the last parliament we saw the champions of the free press, in response to
the Finkelstein report, thick on the ground from the coalition parties. They have been absent
in defending the freedom of the press. Labor takes a different view: if there is to be metadata
mandatorily stored, access to a journalist's metadata must be by warrant. That must be a feature of the legislation if we are to support it in the Senate.

As the former Director-General of Security, David Irvine, said last year: unless you deal with the issue of where it is stored, we do not have confidence that this regime can protect the data that we are requiring to be stored. (Time expired)

**Mr DANBY** (Melbourne Ports) (09:53): The most popular novel on espionage ever written was John Buchan's *The Thirty-Nine Steps*. We are taking 38 steps recommended by the Parliamentary Joint Committee on Intelligence and Security to amend this legislation. In my view this amended legislation is a victory for those who value privacy, the regulation of security services and the protections of the supremacy of an elected parliament over the agencies of government. In my 15 years in parliament, I have never seen legislation so intensively amended or improved through the process of consultation with all sides of parliament and with parliamentary committees. In my view it is a paradigm of social democratic mentality: pragmatic and committed to freedom, but not lily-livered in the defence of democracy.

This legislation, which began when a report was sought by the previous Labor government, addresses a clear and present danger the Australian people are facing—circumstances not of our making. Labor is aware that many Australians have legitimate concerns about our rights being compromised. Data that would be retained under this scheme does not include the content of communications. Metadata includes the internet identifier, assigned to the user by the provider, for the customer's email address. For mobile services it would be the number called or texted. The time and date, duration and location would be retained, but not the content of emails or private blog posts, the history of websites visited or the content of text messages or phones. The second category of information about the parties communicating includes details about the person who owns the service being used such as the billing address, name and contact details.

Currently, as a number of speakers have pointed out, 500,000 existing requests for metadata are made by the police or authorised agencies. To give this more context, over 100 people in Australia have had their passports revoked. There are 90 Australians who are fighting with the barbarians of Daesh—terrorists who we saw recently cut off the heads of Coptic workers in Egypt with blunt knives; who desecrate churches, plough up the graves of priests, engineer the mass rape of women and violate their own children by getting them to murder Muslim prisoners or hold up the severed heads of innocent journalists, Christians or civil society volunteers.

We have nearly 40 Australians who have been arrested, charged, tried and convicted under our democratic laws for involvement in terrorist crimes that are so grave they include attempts to kill tens of thousands of Australians at the MCG on grand final day. Australia is spending hundreds of millions of dollars with its police and security services to prevent mass casualty attacks in Australia, as happened in the US on 9/11, in the UK on 7/7 and in Spain, France and other democratic countries. In my electorate, and across the country, certain schools are fortified and have armed guards to prevent the replication of this kind of terrorism, particularly against school children, so cruelly perpetrated by the barbarians from Daesh in Toulouse, Copenhagen, Brussels, Paris and Canada recently.
The cause—the source—of this problem is not of our choosing. By the day it becomes more dangerous and diffuse. The prominence of internet and mobile phone usage has greatly increased the reach and capability of terrorists. Use of telecommunications interception is the principal way we have so far been successful in preventing mass casualty attacks in Australia by the use of metadata. As the member for Throsby valuably pointed out, it has been incredibly valuable in terrible cases of crimes like the crime against Jill Meagher in Melbourne. The Australian Federal Police Commissioner, Andrew Colvin, has said that between July and September last year metadata was used in 92 per cent of counter-terrorism investigations, 87 per cent of child protection investigations and 79 per cent of serious organised crime investigations. So far this access has been unaccountable—not balanced by privacy considerations, properly supervised by parliament or monitored by the Inspector-General of Intelligence and Security or the Commonwealth Ombudsman.

The profusion of technology and technology service providers risks the security services 'going dark' and not being able to intercept or use this metadata as they might have in the past. The last thing we want is for this parliament to be reacting to an incident in our country, on the mainland, that might otherwise have been avoided by the judicious use of this metadata. Many of the provisions of the ASIO Act and the Telecommunications Act have not been amended since 1979, long before the information and communications revolution.

Evidence presented by the Parliamentary Joint Committee on Intelligence and Security has further established that telecommunications data is used in law enforcement at all levels, not just for espionage and terrorism threats. At Labor's insistence, the parliament referred the draft metadata legislation to the committee for consideration. The committee, of which I was a member, has since provided parliament with 38 recommendations. Labor's recommendations and amendments that we fought for in the committee provide protections for individuals that were missing from the draft legislation as it stood, such as requiring telcos to provide customers with access to their own metadata that is being stored and to notify them if the security of their data is breached, and a provision that metadata may not be accessed for civil proceedings. Labor's recommendations also called for the legislation to have better definitions and descriptions of what data is to be retained and a clarification of what data is not to be retained. The government has also accepted Labor's insistence that we reduce the number of agencies, as the member for Throsby valorously pointed out, with the RSPCA and Bankstown Council having access to this material. We have reduced the number from 80 to 20 agencies.

A recommendation of key significance that Labor fought for is improved oversight of the scheme by two independent government agencies—the Inspector-General of Intelligence and Security and the Ombudsman. In addition Labor argued for the significant reform of assigning operational oversight of security agencies under the data retention scheme to the intelligence committee in accordance with measures proposed by Senator Faulkner. Senator Faulkner is a vehement advocate for government transparency, the value of well-run security and intelligence agencies, and the need for the federal parliament to prescribe safeguards against abuse by security powers. Furthermore, Labor has convinced the government to agree to a change the bill to require the intelligence committee to conduct ongoing reviews of the entire scheme on a biannual basis, the so-called sunset clauses.
The committee has examined security issues pertaining to the storage of retained data in response to concerns that the data would be a honey pot for hackers. Labor has argued that the bill needs to be amended to enforce strict standards for data security, including a requirement for stored data to be encrypted, and a system of mandatory notifications of data breaches or privacy alerts, which is something I have been advocating since I was a member of that committee. One of the collateral benefits of the changes sought and agreed to in this bill is based on the right to know when the security of personal information has been compromised. Initially, the government's redraft of the bill did not include such a scheme.

Security concerns remain relating to whether companies will be compelled to store data within Australia. David Irvine, the extremely capable, former Director-General of ASIO, raised this issue at a recent defence and national security roundtable and expressed apprehension at the prospect of data being stored overseas as it then might be governed by someone else's sovereign legislative system. This matter is being assessed as part of the telecommunications sector security reform, a process initiated while Labor was in government. Consistent with the comments of the former head of ASIO, during the review of any TSSR legislation Labor will insist on a requirement that retained telecommunications data be stored onshore.

Labor's view is that finding the right balance between security and freedom is an ongoing task, and the government needs to respond to national security risks in a flexible manner as they arise or diminish. This is very clearly outlined in the contribution of my friend the member for Isaacs, the shadow Attorney-General. In recognition of this, Labor established the office of the Independent National Security Legislation Monitor. Despite the Abbott government's misguided determination to abolish the monitor under so-called 'removal of red tape', Labor fought consistently for its retention. Thankfully the government woke up, listened and has reinstated it, and has finally appointed someone.

Labor have achieved considerable success in having these recommendations accepted. Just yesterday the Prime Minister backed down on our insistence on more protection for journalists. Now security agencies will need to obtain a warrant to access metadata to identify a journalist's source. There is still much more work to be done. It is important to note that Labor have yet to agree to this legislation and will not do so until we have evaluated the final redraft.

Data retention is a complex, global issue and must be dealt with in this age of technology. Looking for an international precedent, Britain has recently rushed new emergency laws through their parliament making data retention mandatory. In Europe a similar scheme was ruled invalid by the Court of Justice in response to complaints. I believe various European governments now see the peril of the court's recommendations and will be making their own rules, appealing and doing various things to ensure that they have the ability to access the metadata while, at the same time, protect people's privacy. The real crux of the data retention debate is how to strike the balance between preserving the privacy of individuals and enhancing our ability to protect this nation from the genuine threat of terrorist attacks. Of course, as a nation we value freedom, but without effective security measures in place to protect us from imminent danger, we will live in peril, not freedom.

Labor has maintained a sensible, bipartisan approach to national security, and I pay tribute in particular to the shadow Attorney-General Mark Dreyfus, the Deputy Chair of the
Intelligence and Security Committee; Anthony Byrne; a minister who is present in the chamber, the shadow minister Jason Clare; and our leader Bill Shorten who has been back and forth, in and out, of Mr Abbott's office, again and again, forcing changes that would improve this legislation out of sight. It now has the balance of security and privacy and, I am proud to say, has a real Labor stamp. The shadow Attorney-General, the member for Isaacs, summed it up best in his concluding remarks when he said:

Labor will always work to keep Australians safe and, at the same time, to uphold the rights and freedoms enjoyed by all Australians. Getting this balance right can be a challenging task, but with the addition of the numerous amendments to the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014 that Labor has fought for, and with the government's agreement to further amendments to protect freedom of the press, we believe that the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014 strikes the right balance.

This process shows the value of parliamentary committees. It also shows that the importance and rights of the parliamentary Labor Party in fighting for reforms is constantly a paradigm of our behaviour. We do not believe that leaving important issues like this to the hysteria of press commentary, particularly commentary in social media, is the way to deal with these things. With the threat of terrorism coming to this country, this is a real and present danger to Australian citizens. We have seen two terrible incidents. One was in my friend's, the member for Holt, electorate at the police station where officers were attacked and the perpetrator shot dead, most terribly, in Sydney.

It is not sufficient for members of parliament to come into this place and say nothing about these things and just appeal to a narrow sector of the Australian public, who are rightly concerned with the effect on their social media, on their privacy and on their personal blogs. We do not want to troll through some teenager’s email to see if they are looking at pornography. That is not the idea of this bill. The idea of this bill, with the amendments that Labor has forced through, is to protect the security of the Australian people. This is a very serious task. We have approached it very seriously, and I am very pleased to see that, both in government and in opposition, the Labor Party has stuck to its mission of reforming Australia to make it a better place, in this case in the most serious of issues: the security of the Australian people.

Ms O’NEIL (Hotham) (10:07): It is a pleasure today to make a contribution to the debate about the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014, known in the community as the data retention legislation. What I want to do today with this opportunity is explain why I am supporting the legislation. I am doing so with a great deal of thought and reflection because the truth is that legislation like this raises some very difficult and important questions for us, as a parliament, and for the Australian community. We are being asked constantly, as technology improves and as our world changes, to make difficult trade-offs between privacy and civil liberties and the use of data, which is now routinely collected about us and our online activities. For those who are listening in the gallery and for those who are watching at home, I would just ask all of you to greet with a degree of caution anyone who is putting the debate about this legislation forward as a kind of ridiculously obvious point or question on one side or the other, because the truth is that I think anyone who shares broadly Australian values, who has looked at this legislation, who has understood the issues and who has read the parliamentary report that looked into the detail of
the legislation would agree that it is complex. But I believe the legislation before us does strike the right balance, and I will explain in detail why I have that view.

I want to start this conversation where it ought to begin, not with wildly overstated claims but with an understanding of the situation about data retention today. The first important point to note here is what data is under this legislation that we are debating today. It is not detailed information about emails that you send and the content of those emails. The data that is being defined under this legislation is quite tightly defined. It is about the fact of communications and the fact that they occurred. It is not about the data that was contained in those communications. Of the confusion about this bill, this is really where we have seen a lot of discussion and debate, and I want people to be clear about that. For example, with mobile phone communications, the data that will be retained under this legislation, should it pass the parliament, is the fact that a person made a call, who the call was to and the time of that call. There is no audio recording or text recording of the call. For online communications, for example, email content will not be kept, but the time that you logged on to the internet and logged off is the sort of data that will be retained.

There is a second important point to note about this: is this data being retained at the moment? What we know is that such data—and, in fact, volumes of data and more detailed elements of data—is being retained by some telecommunications companies but not by others. What we see with the current regulatory regime around data retention is that both the retention of data and the access to the data are not being well regulated. We do not have a law which has kept up to date with the ability of telecommunications companies to keep this data. For example, some telecommunications companies in Australia are keeping this data for seven years and others are saying that they do not want to keep it for longer than a few weeks. The purpose of this law is to clarify what the obligations are on telecommunications companies to retain data. I think when you understand the situation as it is today—the very hazy and quite poorly regulated or unregulated, in other respects, nature of this environment—you see that the best thing we can do is have a discussion, as a community, about what principles we should apply to these decisions and then create a new regulatory environment for it.

Something that I think is important to note is the access. I have talked a little bit about the retaining of the data by different telecommunications companies, but what we also have learned through this process is that the access to this data is not well regulated. There are some 80 bodies that are able to request access to telecommunications data. This includes organisations like local councils and the RSPCA who are using this data for reasons that this parliament has come to view as not appropriate for this type of monitoring of people's online behaviour. What we also know is that over the financial year 2012-2013 there were 331,000 authorisations for different organisations to use telecommunications data, which resulted in almost 550,000 disclosures of telecommunications data. In this kind of broadly unregulated or poorly regulated environment, half a million records were accessed. Just that fact alone illustrates a very clear need for us to tighten up what is going on out there in the world of data retention.

It is also an important place to start, in this conversation, talking about the other values. Obviously, there are these issues of being an unregulated environment. But what we have heard from the Australian community, I think quite rightly, is that there are concerns, from a
civil liberties perspective, with how the data is being regulated and accessed at the moment. We know that privacy is an important right of ordinary Australians, and, as a starting point, we should say that no-one should have access to anything that anyone does in their personal lives unless there is some other countervailing principle that we are weighing against it. Privacy is not just important because it is a private right. We know that privacy is critical to the functioning of our democracy. Journalists need to be able to protect themselves and protect their sources. We know that activists and dissidents are perfectly entitled to organise to criticise security agencies and other sorts of things, and I very much respect those things and they must be protected. This is what we are balancing against the need to potentially access this data. From that starting point, we have got these very valuable private rights and civil liberties. We need to understand whether there is a clear need, in that case, for those types of principles to be balanced against another need.

Should the right to privacy be modified in this instance? I think that the PJCIS, which looked at this bill in an incredible amount of detail, had an excellent chapter on this very question, and I would really encourage those in the community who have shown an interest in this issue to have a look at the chapter.

What we know is that telecommunications are creating new types of crimes and they are also creating a means for us to resolve very old types of crimes. We have seen that very much in criminal investigations and criminal activity of recent years. We know, for example, that data retention can be an essential tool in fighting online paedophilia and online sex crimes. We know that terrorism is often organised online, so there is obviously going to be an element of metadata being used to resolve those crimes. The member for Melbourne Ports raised the issue of Jill Meagher, the woman who was tragically killed in Melbourne. We know metadata was essential in tracking down the person who committed that crime. The member for Blaxland said in his speech on this subject that one of the first things police want to do when someone is found to have committed a crime is work out who the person has recently spoken to and try to piece together the elements. So for anyone who knows anything about how police pursue crimes these days, there is a very clear and obvious need here.

In the submissions to the inquiry into the bill we saw very clearly that a wide range of people acknowledge the need to curtail the right to privacy in order to assist us in fighting crime. I do not want to overstate that; a lot of people do not believe there is any need to take any interventions, but there are a lot of people who do. For example, Gillian Triggs, the President of the Australian Human Rights Commission, in her submission spoke about the need to update the law to reflect the fact that there is an obvious new tool to fight crime and that it is a good reason in some instances to curtail the right to privacy. Even Timothy Pilgrim, the Australian Privacy Commissioner, in his submission said the right to privacy is not absolute and there are some clear needs to curtail that right given what we know about the importance of metadata in fighting crime. Reading some of these submissions has helped me come to the view that it is very important that we try to better regulate this area and that access to metadata does need to be allowed under some conditions.

Other speakers have talked about the role Labor has played in making this legislation into what we believe is a good and decent piece of legislation. There has been broad acknowledgement that where we started with this bill was not a great place to start. I think even the people who proposed the bill acknowledged that there was a real need for the
parliament to look closely at the legislation and improve on it. I am very proud of the work Labor has done through the parliamentary process. There are some in the community who would have liked to see a stand-up fight on this. But we see this as a serious issue that needs serious consideration and that is why we have used the parliament to make this bill into something that we feel strikes the appropriate balance.

I would like to explain briefly some of the things that Labor has pushed to change in this bill that I believe have allowed it to strike that right balance. The first thing is that, under the legislation we are debating now, the definition of 'data' is included in the substantive legislation itself. That sounds very technical, but what it really means is that, under the previous version of this legislation, the Attorney-General could through legislation change the definition of 'data'. This is important because, as I have explained, the definition does not include things such as the websites you have visited or the text of emails. We believe that should be enshrined in legislation. If anyone in Australia wants to have a discussion about whether that should change, we believe that discussion should take place here in this chamber and that we should all get to have a say in it rather than allowing the Attorney-General to make that change on his own.

The second thing is limiting the list of agencies who can access that data. Again, under the previous version, this was not in the substantive bill. What we have said is that, if the government of the day wishes to make a change to the agencies that are allowed to access metadata under the legislation, they will now have to come back into the parliament to do that and the Attorney-General is not going to be allowed to add agencies as he or she sees fit.

The third thing we have done, which I think is tremendously important, is to allow a provision in the legislation so that individuals can now access their own metadata. If we are going to infringe on the right to privacy to a degree, I think it is only fair that people understand what it is that other agencies might have access to. So we have made sure that is enshrined in the legislation.

Another thing is how this data is protected. Because of Labor's actions, the data that is being retained by telecommunications companies will now be encrypted. We have added an oversight mechanism into the bill so that after two years of operation the PJCIS, which is the committee that considered this legislation in detail, will have the chance to go through and look at how it has been operating and consider how the data has been accessed and whether the use of such data is appropriate. To all of those in the Australian community who have a strong view about how this legislation has panned out and the version that has gone to the parliament, I say that you will get another chance to talk about this when we see how in practice the legislation is used and whether there are any improvements to it.

Through the committee process Labor was able to ensure that metadata can now only be accessed for criminal matters. This is quite important because, as I have said, it has been difficult to strike the right balance between the right to privacy and the benefits to crime fighting that we see in the use of metadata. We believe that the right to privacy should only be infringed to this degree when there are criminal matters at stake. For example, there is the Game of Thrones problem; people were concerned that through this process they might be apprehended for online piracy. Because of Labor's intervention, that is not what this legislation is about; we are not trying to oversee people's activities to that degree. But where
there is a criminal matter to be answered and a criminal matter to be considered, we believe it is fair that the right to privacy be curtailed in this instance.

I do not want to state that this is a perfect piece of legislation, and I hope that the remarks I have made give the indication that we have thought about it and there are remaining issues. The way the legislation treats journalists is a remaining issue. That was not an issue on which the committee process could reach an agreement. Labor has pushed this very hard, and we are continuing to push very hard on this. Those who have been following the debate closely will know that Bill Shorten, the member for Maribyrnong and Leader of the Opposition, is continuing to push this with the Prime Minister—and I hope to see that matter resolved.

We should not see this piece of legislation in isolation. Something else that the Labor Party is interested in pursuing, as we give security agencies more powers, is how we can ensure that there is appropriate parliamentary oversight for those different agencies. That is something Labor will be pursuing in the coming months. I am pleased to support the bill which I believe strikes the right balance.

Mr ZAPPIA (Makin) (10:23): I am pleased to follow the member for Hotham in this debate on the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014. I well understand the many legitimate concerns that people have about this legislation. The Labor Party understands those concerns. Many of the concerns raised do not arise as a result of this legislation, but equally apply with respect to the current process we have for the management of metadata.

Were it not for this legislation and the processes the parliament has gone through in recent months, the existing flawed, insecure and unaccountable practices would continue. They would continue without any discussion whatsoever. The public debate leading to this legislation and the work of the Parliamentary Joint Committee on Intelligence and Security have exposed the existing flaws in the data retention system that we have, allowed the community to have input into the changes and created a much greater community awareness about the realities of the cyberworld we live in.

The protection of rights and liberties is at the core of our national values. It is inscribed in the Australian citizenship pledge, and those rights and liberties should indeed be defended. But rights and liberties can take many forms. Each of us places different values on different rights, and there are times when one right has to be given up in order to protect another. That is why there is no absolute right or wrong view about protection of our freedoms, why there is a diversity of views about this issue and why our laws must strike the right balance. Striking the right balance implies that some people will not be satisfied with the outcome.

We live in a cyberworld with limited knowledge as to who has access to data, how it is being stored, where it is being stored, how that data is being used and how secure it is. We simply do not know. What has been made clear by the inquiry and through the public contribution is that, as reported in the Australian Communications and Media Authority's 2013-14 annual report, there were over 582,000 requests for access to metadata. There were some 80-plus agencies that were being granted access to data, and for much of that data there were no warrants being issued at all. Much of the data is already held for two years or more. The very concerns that are being raised about this legislation are occurring right now, even without it.
Simultaneously, we live in a rapidly changing cyberworld where criminal activities are flourishing because of cybertechnology, globalisation and growing populations. Financial fraud, identity theft, drug trafficking, human trafficking, illegal pornography, paedophilia and terrorism have all heavily relied on cyberuse. Whilst this legislation may have been triggered by growing concerns about terrorism, and is being talked up as a national security issue, the reality is that it has a much wider application in law enforcement than simply being about national security.

The objections to this legislation come down to this very simple proposition: as a result of this legislation, in future all metadata, not just some, will be retained for at least two years. Currently the length of time that metadata is held varies between each carrier. Each carrier chooses how long they keep that data. Data is already being held for two years—what we do not know is how much of it—and in some cases it is being held for longer. This legislation, in simple terms, means that all data will be retained for at least two years.

The first question that then arises is: what is an acceptable period of time that data should be retained for? Should it be one month, three months, a year, five years? At some point we have to make a judgement about that very question. In exchange for all data being retained for two years this legislation provides limitations and oversights that are currently not in place and are badly needed. Let me outline what some of those oversights are, albeit that my colleagues and others who have contributed to this debate have already done so.

Firstly the Commonwealth Ombudsman will have oversight of the data retention scheme and will, for the first time, have the power to inspect the records of enforcement agencies to ensure that they are complying with their obligations under the Telecommunications (Interception and Access) Act. Right now the truth of the matter is that very few people would know what is really going on, who is accessing the data or for what purposes.

Requiring warrants for access to the telecommunications data of journalists is an issue that I know has also been the subject of extensive community debate. If you are going to access the data of journalists, ensuring that there is a warrant required makes reasonable sense. There is good reason for it. Whilst some people have said that if we can apply the warrant process for journalists we should do so for all others, my response to that is simply this: there is a difference between journalists and others. More importantly, if we were to apply a warrant process for all data access that is required—and looking at last year's figures there were over half a million requests—the system and the process would simply be unworkable, not to mention the cost to society of having to process half a million warrants or more each year.

Thirdly, the Parliamentary Joint Committee on Intelligence and Security will have oversight of the data retention scheme. Again, this is the first time ever that the parliamentary joint committee—or any parliamentary committee—has had this power and this authority. It is consistent with the work that parliaments in both the USA and the UK are already doing; their committees have similar oversight provisions. They may not be identical, but they are similar, and this is the first time that the Australian parliament has given that committee the authority to have oversight over any government operation.

I also note that the data retention cannot be used for ordinary civil litigation. This was another concern raised in the public discussion. For example, you cannot use data access for the purpose of copyright enforcement. I also note that the data stored will be encrypted to ensure that it too has better security. There will also be a mandatory data breach scheme to
notify consumers if security of their metadata is being breached, and individual consumers will have access to their own data. Again, these are all measures that are simply not available at the moment. Importantly, the number of agencies that can access the metadata will be reduced from around 80 at the moment to just over 20, I understand. And, importantly, no additional agencies can be added to the list by the Attorney-General, other than in emergency situations, without the agency and the relative legislation going to parliament and being approved by parliament.

Most importantly, this whole process, this scheme, will be reviewed, I understand, after two years by the Parliamentary Joint Committee on Intelligence and Security—again, enabling the parliament and the people of Australia to have oversight of it, which means we have a review process in place to ensure that it is working well and working in the national interest. None of these measures are currently available with respect to the current data retention process. It should be acknowledged that the retention of data can also be used to clear innocent people of false accusations, and I understand from my discussions with law enforcement agencies that defence lawyers frequently access the data for that purpose, as do our law enforcement officers themselves. So, the retention of data is not all bad. There are many occasions when it is actually used for good reason and good purposes.

It is true that many crimes would not be prevented by the retention of more data for longer periods, as some speakers have said. Conversely, though, it is also true that the retention of data has been invaluable to security agencies in their pursuit of criminals and has been used for good public purposes. Again, it is a matter of weighing one issue up against the next. The real issue, in my view, is not that data is being stored but that communication and cyber use now control our life in a way that it has never done before. It exposes everything we do. We are tied to a system that indeed does monitor and track us in every aspect of life. I note an article about serious computer hacking late last year, which detailed an attack in which 13,000 passwords and credit card details relating to gaming consoles and online stores were released. I would be much more worried about the security of the systems we have than about the storage of data, and it is those kinds of concerns—the hacking of data, the hacking of the systems we currently use—that I believe should be of greater concern to the broader public.

In the few minutes I have left I just want to turn to some matters that I do have some reservations and concerns about, and they have been raised by other speakers in this debate. The first is with respect to the storage of the data. As I said earlier in my remarks, we do not know how much is being stored, where it is being stored or how safe it is. My view supports other speakers who have made this point, and that is that the data should all be stored in Australia. We should know where it is being stored and by whom, and I believe people of this country would feel much more secure if it was stored in Australia. I understand that that may come at a cost, and I understand that ultimately the consumer pays for it. But I suspect that the retention of data, wherever it is, comes at some cost, and until I have seen the final figures on that I reserve my own views about whether it ought to be done or not, because I do not know what the costs are and the government is not releasing the costs that they have. Yes, it may come at a cost, but my view is that ultimately it should be stored here in Australia.

The second point I make is with respect to the Ombudsman, and indeed the Inspector-General of Intelligence and Security and their offices and their roles in securing the rights, liberties and freedoms of the people of this country. They can carry out their roles and do their
work only if they are properly resourced and funded. I would like to think that complementary to this legislation the government will provide assurances that both of those offices will be properly resourced, properly funded into the future, to enable them to carry out the oversight role they have been tasked to do.

The third point is one I mentioned earlier, and I want to touch very briefly on the issue of warrants again. My understanding is that currently there is no requirement for warrants to be sought in order to access metadata in most cases, and I have heard the argument time and time again about the fact that if it is good enough for journalists then it ought to be applied to every other application. I have also heard the argument—and I believe there is some truth to it—that if that were the case we probably would not have 500,000 requests and more each year and that it would in fact reduce the numbers. That may well be true. But nevertheless, to argue that we should ensure that everyone who accesses data needs a warrant would simply bring the system to a grinding halt and make it unworkable.

In summing up, I believe we have a choice. We have the choice to do nothing and leave the system as it currently stands, or we can support this legislation. If we do nothing and leave the system as it currently stands, it is a system with no limits on who can access the data, no understanding of who keeps the data or where it is kept, no oversight over it, no knowledge about what is being kept, no certainty that it is secure, no accountability by those agencies that have access to it, and no parliamentary oversight whatsoever. That is the choice. In my view, the choice is quite clear: we support this legislation and we improve an already badly flawed system.

Mr Turnbull (Wentworth—Minister for Communications) (10:38): I thank all honourable members for their contributions to this debate. Access to metadata plays a central role in almost every counter-terrorism, counterespionage, cyber security and organised crime investigation. It is used in almost all serious criminal investigations, including investigations into murder, serious sexual assaults, drug trafficking and kidnapping. The use of this kind of metadata, therefore, is not new.

I would like to reconfirm, for the benefit of honourable members and anyone watching this at home or at work, what we are talking about when we talk about metadata. We are talking about the traditional information about telephone calls that we used to get on our telephone bills. We are all familiar with it. It shows the caller, the A-party; the B-party, the called number; the time of the call; the length of the call; and, in a mobile network operator's situation, the location of the call—the nearest base station to which it was connected. That information has been available—it has been kept by telcos often for very long periods, well in excess of two years—and it has been accessed from time immemorial.

In terms of the IP world, the internet world, we are talking about what we can call the customer IP address. When a device is connected to the internet its internet service provider will allocate it an IP address, which is a unique number. That IP address is connected, obviously, to the account holder. That IP address may become apparent in some other context where it is important for law enforcement to know which account holder that IP address was allocated to. Again, those records have been kept, in some cases, for a very long time. They have been accessed for a long time by law enforcement, but, as I will describe a little later in these remarks, there is now the risk that they will not be kept at all or will be kept for very brief periods—and there are consequences for that.
What we are talking about here is not storing what people are doing online—what they are saying and what websites that are visiting. This is about retaining classes of data for two years that are being retained now, and where there is a concern that, because business practices have changed, they will not need to be retained in the future. This is very important. This is not a question of the government requiring telcos to retain a record of what websites you visit or the content of your emails—let alone your telephone calls—and so forth.

The deficiency and inconsistency of current data records was highlighted in June last year when the AFP received information from Interpol about a suspect who had made a statement online that they intended to sexually assault a baby. Interpol provided IP address details belonging to an Australian carrier. As the Australian carrier only retained data—that is to say, customer IP address data—for a maximum of seven days, no results were available and the suspect was unable to be identified. That example is not isolated. The police advise us they have dozens of examples. The bill, as I said a moment ago, will establish a common industry standard for data retention practices that will assist agencies to protect the Australian public. Importantly, it will prevent the further degradation of the investigative capacities of Australia's law enforcement and national security agencies.

I note that the measures in the bill have been formulated, and will be further refined, with the benefit of two bipartisan inquiries undertaken by the Parliamentary Joint Committee on Intelligence and Security. The committee's first inquiry was completed in 2013 under the chairmanship of the member for Holt, the Hon. Anthony Byrne MP. It recommended a number of reforms to Australia's national security legislation, including how a data retention scheme should be shaped, should the government of the day decide to introduce such a scheme. This bill represents the government's response to chapter 5 of that report. Following my introduction of the bill on 30 October, the Attorney-General referred it to the committee, now under the chairmanship of the member for Wannon, Mr Dan Tehan.

The committee recommended the passage of the bill in its advisory report. The committee's support was subject to 38 recommendations. Twenty-six of these recommendations relate to amendments to the bill or the explanatory memorandum. A further 11 recommendations relate to additional administrative measures, including additional resourcing for the committee, the Commonwealth Ombudsman and reviews. The committee also recommended the proposed two-year retention period be retained. We accepted the recommendations of the committee and will move amendments, where required, to implement them. The government will be tabling a replacement explanatory memorandum elaborating on the justification for various measures in the bill in line with the committee's recommendations. I note that many honourable members have expressed their support for the implementation of the committee's recommendations, and we look forward to working constructively with members of this committee on the relevant amendments to the bill when we reach the committee stage.

Now, in addition, the government has announced that it will move amendments to require a warrant to access data for the purpose of identifying a journalist's confidential source. It will also establish a public interest advocate, who will have a role in making submissions in respect of those warrants. This is a very important protection. I see that the honourable member for Isaacs, the shadow Attorney-General, is now in the chamber. I want to note the cooperation that he and his colleague the member for Blaxland, the shadow communications
minister, has given me in the course of this week in settling the terms of these amendments and reaching agreement on them.

I will deal with some aspects of the debate. The member for Melbourne, who has an amendment, has suggested that this bill is being rushed. My response to the honourable member is simply that the committee has conducted not one but two inquiries on this. Data retention has been the subject of a public inquiry by the Senate Legal and Constitutional Affairs References Committee since December 2013. This is not a new issue by any means.

As far as the opposition's contribution is concerned I want to thank those opposite for their expression of support for both the bill and the government's proposed amendments, which will be moved shortly. There have been many important issues raised in the debate but in the time available—and given the central focus of discussion in recent days on this—I want to focus on the question of the treatment of journalists.

This raises very important and legitimate questions around the power of law enforcement agencies to investigate journalists' sources. All of us understand that the work that journalists do is just as important in our democracy as the work that we do as legislators—or, indeed, the work that the Public Service does in undertaking and executing the policies of government.

I think it was Jefferson who said that if he was given a choice of a government without newspapers or newspapers without government he would choose the latter. Fortunately, we do not have to make that choice, but our democracy depends absolutely, fundamentally on a free press and journalists being able to do their work. But journalists are subject to the law, like everybody else.

There was a concern that the bill, by introducing an ability, so it was argued, for law enforcement and security agencies to obtain journalists' metadata to investigate sources suspected of illegally disclosing information—for example, checking which telephone numbers had called a journalist's number or vice versa—this ability might have a chilling effect on sources cooperating with journalists, who would be fearful of investigation or prosecution. Those concerns are misguided, in our submission. The bill does not grant law enforcement or security agencies any new powers in the way they access metadata of journalists or anyone else. In fact, agencies have been able to access this type of data for more than 20 years.

What it does, as I said earlier, is simply ensure that the types of data that are currently being retained will be retained for a consistent period. In a number of cases, particularly with telephony metadata, some of the larger carriers now retain metadata for very long periods—for seven years in one case. There is nothing in the bill, therefore, that should concern journalists about their right to do their jobs—their duty to do their jobs—and to deal confidentially with their sources. Obviously, journalists should take care to protect their sources. Like the Prime Minister, I am a former journalist. Both of us have had a rake's progress. We started off as honest journalists, and here we are as politicians—'What's next?' you may think; 'It can only get worse!'—so we understand the importance of this work.

The bill provides several new and strengthened safeguard and oversight measures—all of which are directly relevant to journalists and their sources. It reduces the number of agencies which automatically qualify for access to metadata from about 80 down to 20. It introduces,
for the first time, comprehensive oversight by the Commonwealth Ombudsman for any Commonwealth, state or territory law enforcement agency accessing metadata.

The bill sets up a new oversight mechanism, where any request by an agency to access data to identify a journalist's source must be provided to the Inspector-General of Intelligences and Security in the case of ASIO, and the Ombudsman in the case of the AFP. Further, the Attorney-General will also notify a parliamentary committee of each authorisation to identify a journalist's source. In addition, and very significantly, we are proposing additional amendments to require agencies to obtain independent pre-approval in the form of an new journalist information warrant to access a professional journalist's metadata, or that of their employer, for the purpose of identifying a confidential source.

These warrants will be issued by judges and members of the AAT—the Administrative Appeals Tribunal—in the case of law enforcement agencies, or by the Attorney-General in the case of ASIO. The warrant would relate to a single journalist named on the face of the warrant. It would require the issuing authority to consider, among other things, the public interest in protecting the confidentiality of the particular source in question. To assist in this last point the amendments will also see the establishment of a public interest advocate—or persons who will be public interest advocates—who will be able to make submissions in response to the application for a warrant on the matters of public interest that the warrant-issuing authority should consider. These are the amendments that have been negotiated with the opposition—and, again, I thank them for their cooperation in that. I also thank the media companies and journalist organisations for their contributions to this debate. This has been a very good legislative process, with the combination of public discussion, engagement between government and opposition and, above all, the work of the committee.

I want to thank the committee for its work—under the chair, the member for Wannon, and the deputy chair, the member for Holt—and for its thorough, constructive and bipartisan review of the measures in the bill. The work of the committee and the constructive, thoughtful contributions of honourable members to this debate is a reflection on the very high quality of parliamentary scrutiny that is applied to Australia's national security legislation. We should always be approaching these matters of national security in a thoroughly bipartisan way and, where there are differences of opinion and differences of approach, we should be able to resolve them in the very constructive way we have here. Naturally I want to thank my colleague the Attorney-General and his team both in his office and in his department for all of their hard work on this bill.

The DEPUTY SPEAKER (Mr Randall): The original question was that the bill be now read a second time. To this the honourable member for Melbourne has moved as an amendment that all words after 'That' be omitted with a view to substituting other words. The immediate question is that the amendment be agreed to.

A division having been called and the bells having been rung—

The DEPUTY SPEAKER: As there are fewer than five members on the side for the ayes in this division, I declare the question negativied in accordance with standing order 127. The names of those members who are in the minority will be recorded in the Votes and Proceedings.

Question negativied, Mr Bandt, Mr Katter and Mr Wilkie voting aye.

CHAMBER
The DEPUTY SPEAKER: The question now is that the bill be read a second time.

A division having been called and the bells having been rung—

The DEPUTY SPEAKER: As there are fewer than five members on the side for the noes in this division, I declare the question resolved in the affirmative in accordance with standing order 127. The names of those members who are in the minority will be recorded in the Votes and Proceedings.

Question agreed to, Mr Bandt, Mr Katter, Ms McGowan and Mr Wilkie voting no.

Bill read a second time.

Consideration in Detail

Bill, by leave, taken as a whole.

Debate adjourned.

Limitation of Liability for Maritime Claims Amendment Bill 2015

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Mr NIKOLIC (Bass—Government Whip) (11:01): I have pleasure in speaking on the Limitation of Liability for Maritime Claims Amendment Bill 2015, which seeks to ensure that international shipping continues to be an economically viable proposition. As an island state, the issue of shipping is of vital importance for Tasmania's future prosperity. Coastal shipping and international shipping are key enablers in ensuring that quality Tasmanian produce and manufactured goods are able to reach domestic and international markets.

We want to ensure that Tasmania optimises the benefits of the trifecta of free trade agreements that were negotiated by the coalition in 2014—that our clean, fresh, quality produce will grace growing Asian markets from India to China. And the indicators are encouraging! Demand for Tasmanian seafood and agricultural products continues to grow.

The $60 million in federal funding announced last month will support five new irrigation schemes in Tasmania, providing 95 per cent water certainty, greater agricultural capacity and, most importantly, more local jobs.

The $203 million that was announced by the Prime Minister last Friday, 13 March, to enhance Tasmania's Freight Equalisation Scheme will help equalise the cost of exporting those quality Tasmanian goods to Asian markets. I will have more to say about the enhanced Tasmanian Freight Equalisation Scheme later in my speech, but the point is that international shipping is of great importance to my state. This bill seeks to implement amendments to the 1996 protocol to the Convention on Limitation of Liability for Maritime Claims. The effect of the bill will be to increase the liability limits for shipowners and salvors for maritime claims relating to ship-sourced damage to more adequately reflect the costs of such incidents.

But let me also touch on some of the broader issues relating to international shipping that affect my home state of Tasmania. As I said, the announcement by the Prime Minister last Friday about the Freight Equalisation Scheme has been described by so many people as a 'game changer' for my state. It is something that people have been talking about for a long time but it had not been delivered. I was very proud to be there last Friday in Northern
Tasmania with my two colleagues in this House, the member for Braddon, who is in the
chamber at the moment, and the member Lyons and our hardworking Senate team for this
very welcome announcement.

Under the new Tasmanian Freight Equalisation Scheme from January 2016, the scheme
will be extended to goods that are going to markets that are not currently covered by the
scheme. Tasmanian businesses selling these goods will be able to claim $700 per shipping
container. Of great importance to me is that shippers from King Island and the Furneaux
Group of islands will be eligible for a 15 per cent additional loading. Those small island
communities do it pretty tough. Everything has to come on and off the island by ship or
aircraft, and so the cost of building something or transporting stock from the island to
mainland or international markets is an increased cost. So I am really pleased that the
Furneaux Group of islands is included and eligible for that 15 per cent additional loading.

The effect of this magnificent enhancement of the Freight Equalisation Scheme is to boost
the competitiveness of Tasmanian businesses and provide a substantial incentive for local
businesses to sell their products to broader markets. This significant expansion represents an
increase of over 40 per cent in the Commonwealth's annual investment in the Tasmanian
Freight Equalisation Scheme. We have delivered on our promise of not only retaining the
Freight Equalisation Scheme but also making it more effective and more targeted. To improve
the efficiency of the scheme, the time frame for making and processing claims will be reduced
to six months.

It is important to note that a coalition government introduced the Freight Equalisation
Scheme in 1976 and the Howard government introduced the Bass Strait vehicle equalisation
scheme in 1996. I was pleased to hear the Prime Minister say that the 'efforts of Andrew
Nikolic in Bass, Brett Whiteley in Braddon and Eric Hutchinson in Lyons were central in
securing this expansion of the scheme'. There is a golden thread from the Prime Minister's
announcement of the economic recovery plan for Tasmania on 15 August 2013, the lobbying
that the Tasmanian team has done since then and the delivery last Friday of this wonderful
enhancement for Tasmania. That announcement builds on significant funding that the
Commonwealth is already providing under the Economic Growth Plan for Tasmania to build
productivity-enhancing infrastructure. Another example of that is the $1 billion in Tasmania's
infrastructure that includes $400 million for the Midland Highway and $38 million for the
Hobart airport runway extension, and an additional $60 million for the Tranche II irrigation
projects managed by Tasmanian Irrigation.

Some of the other achievements are worth noting in the context of doing better things for
Tasmania and building on that greater equalisation of the costs of shipping from Tasmania to
the mainland and international markets. I would like to reflect on other achievements in my
electorate of Bass which I think are important for Tasmania's future prosperity. I have already
mentioned the freight equalisation scheme.

Other achievements include: $60 million for the irrigation schemes; $34 million for North
East Freight Roads; $23 million announced by then Minister Dutton, Minister Ferguson and I
in August 2014 to improve access to elective surgery for Tasmanian patients who have been
waiting for longer than clinically recommended times; $6 million for the North Bank
redevelopment to transform the former industrial precinct on the North Esk River into
something that is far more family friendly; $3 million for a healthier Tamar.
Regarding the Tamar, I had the environment minister, Greg Hunt, in Launceston at the end of last year to show him the progress we have made—some 300,000 cubic metres of silt have been removed from that river, and at the end of year 1 we are making great inroads into a healthier Tamar River. I am pleased to say that we have funding for the next two years.

Further achievements include: $3 million in innovation grants that my colleagues from Braddon and Lyons announced on 11 March; $3 million for an integrated timber processing facility at Scottsdale; $2.7 million to establish the Tasmanian Major Projects Approval Agency in my home town of Launceston; $2.5 million for the North Eastern Mountain Bike Trails Development to boost tourism opportunities in our region; $1.25 million for Invermay Park, the most used sporting facility in northern Tasmania; almost $1 million to upgrade the Flinders Island and Cape Barren Island airfields—about $1 million out of a total of $8 million for regional airfield upgrades around the country. I am really pleased that these things we have achieved for Tasmania are building on those freight equalisation and irrigation scheme announcements I mentioned earlier.

When it comes to international shipping, there is still a lot more to be done. In my view, the logical next step is costal shipping reform. I will give you a case study to help explain. Bell Bay Aluminium in my electorate of Bass is sadly one of the few businesses of its size left in northern Tasmania. Its importance cannot be overstated. It uses 25 per cent of Tasmania's total electricity, contributes $700 million to the Tasmanian economy each year, and provides over 1,000 direct or indirect jobs.

The general manager of Bell Bay Aluminium is a pretty capable bloke. His name is Ray Mostogl. He recently won The CEO Magazine Manufacturing Executive of the Year. Mr Mostogl has been at the forefront of calling for something to be done to fix coastal shipping. He has said publicly that after Labor introduced the Coastal Trading Act in 2012—and I am pleased to see the member for Grayndler in the House, because he was at the forefront of that reform. Mr Mostogl said in his submission to the Productivity Commission that Bell Bay Aluminium faced a 63 per cent increase in freight rates. Let me say that again; it is worth repeating. The coastal shipping changes that the member for Grayndler and the Labor Party brought in in 2012 resulted in an increase of 63 per cent in the shipping costs at Bell Bay Aluminium. Mr Mostogl goes on to say that it has led to 'greatly reduced shipping options and competition'. Critically, he identifies sea freight as 'one of the key means to keep the Bell Bay Aluminium smelter viable'.

Mr Mostogl draws a clear link between Labor's legislative gift to the Maritime Union of Australia—the increased costs that followed—and the impact on the very viability of this important company in my electorate of Bass. Mr Mostogl has revealed that leaving ships idle at port for a day—as demanded by the Maritime Union of Australia—before loading can commence, on occasions, costs foreign vessels about $10,000 a day, and Australian ships more than $20,000 a day. He points out that freight rates from Tasmania to Queensland in the first year of the member for Grayndler's Coastal Trading Act rose dramatically from $18.20 per tonne in 2011 to $29.70 a tonne in 2012, while rates elsewhere in the Southern Hemisphere are about half that at $17.50. You do not need to be Einstein to realise that the impact on productivity, as a result of these coastal shipping changes championed by the member for Grayndler, has been devastating for this company and for my home state of Tasmania.
I wonder what the member for Grayndler, who introduced these coastal shipping laws as minister, would say to the 130 workers at Bell Bay Aluminium who lost their jobs during the last two years of the Labor-Green Government—partly because of this sop to the MUA. I am sure he would flick past us to his former coalition partner and Greens Leader Christine Milne. Recently, in the Launceston Examiner, she denigrated Bell Bay Aluminium—and, remember, $700 million to the state economy and 1,000 direct or indirect jobs. She described Bell Bay Aluminium and three other major industrial companies in Tasmania as 'exaggerators wanting a handout'. That is the sort of thing we hear from the leader of the Greens, and I express my disgust at the callous indifference for Tasmanian jobs shown by Greens leader Christine Milne, who is happy to sacrifice these workers on the altar of green ideology. And the member for Grayndler has sacrificed competitive freight rates to support his MUA mates.

As Tasmania's representative on the coalition's deregulation committee, I want to continue removing bad Labor-Green legislation from the productive components of Australia's economy. I want us to roll back the special deals between Labor and their union handlers, which have contributed to reduced productivity and a growing disparity between domestic shipping costs and shipping from overseas.

I know the Member for Grayndler revels in the shrine that has been established for him on the MUA website by MUA Secretary Paddy Crumlin for giving his union a shrine—the coastal shipping reforms they demanded. But Mr Albanese would get a very different reception if he made his way to Northern Tasmania. I would invite him to come and visit Bell Bay Aluminium and talk to those workers about what his coastal shipping laws have done to my state.

Mr Albanese interjecting—

The DEPUTY SPEAKER (Mr Randall): You will have your opportunity shortly, Member for Grayndler. I am sure you will use it.

Mr NIKOLIC: We are determined to roll back these failed Labor policies—to release our coastal trading potential and to support Tasmania's economic revitalisation. Unlike the Greens, or the member for Franklin or the member for Grayndler, the Tasmanian Liberals will continue to stand up for jobs in our state and push for urgent changes to Labor's coastal trading act.

I talked about the MUA earlier. Let me give you some additional examples of the sorts of strongarm tactics that we see from the MUA. I use another case study, from an international shipowner who does work on our coastline. We see MUA delegates confirming who the financial members of the union are and, therefore, who can work. MUA officials control training, like who goes on integrated rating training, which is a discriminator when it comes to what work you do and whether you can work on the ships. The ship's captain on foreign ships gets a list of who will work on the ship. The shipowner has no choice but to comply. The foreign captain and executive officers cannot give direction to MUA members; only the MUA foreman, the bosun, can direct the work of MUA members—the crane drivers, welders, cooks and deckhands.

This is simply a nail in the coffin of Australia's productivity. The sorts of things that we saw from those opposite—the sop to the MUA, the CFMEU and the other unions—simply drive another nail in the coffin of Australia's productivity. The sooner they realise that they
need to come together as Hawke and Keating and Howard did on the big, strategic issues of the day to focus on the things that enhance Australia's productivity and make our budget sustainable, the better it will be for our entire country. I commend this bill to the House.

Mr ALBANESE (Grayndler) (11:16): On 11 March 2009, as Cyclone Hamish bore down upon south-eastern Queensland, a freight vessel called the Pacific Adventurer began losing the first of 30 shipping containers containing ammonium nitrate. At least one of those containers, when it went overboard, damaged the ship as it tumbled into the water. The result was a 60-kilometre-long oil slick that hit the beaches of the Sunshine Coast and the northern part of Moreton Bay. The cost of cleaning up that spill reached about $34 million. The bill before us today, the Liability for Maritime Claims Amendment Bill 2015, is partly a result of that dreadful incident. In 2009, the maximum liability applying to the Pacific Adventurer's owners was $17.5 million. That is not good enough. In an island nation like Australia, a nation endowed with fantastic coastal assets—of course including the splendour of the Great Barrier Reef—we must do everything that we can to prevent such accidents. But, when accidents do happen, either through misfortune or through negligence, we must ensure that those responsible pay to clean up the damage. After the Pacific Adventurer accident, the former Labor government brought forward a proposal to increase the liability limit under the 1996 Convention on Limitation of Liability for Maritime Claims.

I represented the government as the transport minister and minister responsible for shipping at the annual conference of the International Maritime Organization, which was held in London on 2 December 2009. I was the first Australian minister to attend that organisation, which is an arm of the United Nations, for many decades. Of course, at such a conference there is a ministerial session, and Australia as an island continent, I believe, should be represented at such an international forum. In my speech to the organisation, I explained the damage that had been done to the Australian coast in that particular accident but in others as well and I praised the work of Australian authorities to clean up that mess.

The Australian Maritime Safety Authority is an organisation of which we as parliamentarians can all be proud. AMSA is recognised globally, in what is a global industry by definition, as being one of the best, if not the best, organisations of its type in the world. Having that as a basis to go forward, Australia at that same conference was re-elected to the executive leadership body that we have historically played such an important role in. We were able to secure international support for a change that needs to happen on that international level. I pointed out in my speech to the IMO that the liability levels were inadequate and that that was impacting on Australia but would impact on other nations as well. The international maritime community there agreed. At the time, the leader of the IMO, Mr Mitropoulos, was a great friend of Australia and I acknowledge the work that he did as the leader of the IMO.

The change in the legislation that is before us today is a direct result of that advocacy by Australia—leading the world, going to international forums, putting our position and bringing the world with us. As a result, domestic legislation throughout the world is being amended by the jurisdictions in a similar way to which this legislation before us provides. I thank the Deputy Prime Minister and Minister for Infrastructure and Regional Development for his acknowledgement of that background in his second reading speech.

The bill amends Australian law to reflect the increased international limits. It increases the liability for a medium-sized vessel, defined as 50,000 gross tonnes, by about $33.6 million in
respect of claims relating to loss of life or personal injury. The limit with respect to what is defined as 'any other claims' will increase by $16.8 million—a 50 per cent increase. It will allow for fair compensation for accidents without lifting the limit so high that shipowners will be unable to obtain insurance cover. This legislation has the balance right and the opposition will be supporting it.

Australia moves about 99 per cent of the volume of its exports by sea. This is worth about 75 per cent of our export income, so an effective maritime sector is absolutely central to the health of our economy. Moving goods by sea in an efficient manner supports jobs, not only in the maritime sector but also in our vast resources and food production industries. At the same time, the health of our coastal areas is also critical to our economy. For example, the Great Barrier Reef is the No. 1 drawcard for tourists, particularly in the booming Chinese market. Tourism related to the reef earns this nation $5.7 billion every year. It support 65,000 jobs. The reef, of course, is about the size of Italy, so it supports those regional cities and towns along the Queensland coast, be it Cairns, Townsville or right down to Gladstone, where Heron Island is such an important part of the tourist industry in that Central Queensland region.

On 3 April 2010, just a year after the Pacific Adventurer incident, the Chinese bulk carrier Shen Neng 1 was heading out from the coast of Central Queensland. It ran aground on the Great Barrier Reef east of Rockhampton. The vessel was 10 kilometres away from normal shipping lanes. It gouged a hole in the reef that was three kilometres long and 250 metres wide—the equivalent of about 58 football fields. It created an oil slick more than three kilometres long. There was no Australian pilot on board. The sort of ridiculous anti-Australian rhetoric that we just heard from the member for Bass, being critical of the presence of Australian seafarers and experts—he should consider consequences; consequences that are real, not theoretical; consequences that have happened and have caused economic damage to this country as well as environmental consequences for the pristine Great Barrier Reef.

When that incident occurred, I had the opportunity to fly over the site on an AMSA plane. You could see from the air where the channel was that the ship was supposed to pass through. What occurred in that incident was that the ship just forgot to turn—literally forgot to turn—because the bloke who was in charge of the ship had had so little sleep because of some of the industrial conditions that are placed on these foreign vessels, whereby you do not have the sort of protections, which are in the national interest, that occur on Australian vessels. The seaman in charge at that time on that ship was later sentenced to 18 months in jail for his negligence. This is the kind of incident that underlines the importance of ensuring the protection of our coastal waterways.

Just after that, I travelled to New Zealand. The main port on the North Island, just east of Auckland, was also subject to an incident off that coast. I flew over that site with the New Zealand transport minister in John Key's government, and you could see the oil slick and the debris going onto the coastline for tens of kilometres. It essentially caused the export sector to shut down while that incident was dealt with. More than 100 people who had expertise came from Australia, from AMSA and other organisations, to assist with that clean-up as the ship broke up in the water, with consequences for that pristine area of coastline in New Zealand.

What did all of these ships have in common? They did not have a flag on the back with the southern stars, or the New Zealand equivalent, and the Union Jack in the corner. They had the
flag of countries that simply do not have the same regulatory regimes that we have here in Australia. They do not have seafarers with the same skills that we have here in Australia. Their workers are not given the same breaks, fatigue laws and wages that apply here in Australia. And the consequences! Do you want to talk about the economic consequences of incidents such as that? The differential between paying the Australian wage and paying a Filipino seafarer the wages that are made in the Philippines and other countries on these foreign-flagged ships pales into insignificance.

So when we talk about the economic costs, let's talk about the full costs of what occurs when there are incidents such as the incident that led to this legislation coming before this parliament. The stakes are very high indeed. Imagine the sinking feeling if you had been a tourism business operator on the Sunshine Coast, in March 2009, as you watched the oil slick from the Pacific Adventurer encroaching on the beaches of that beautiful coastal strip. Imagine wondering about the viability of your business as the media reported the growing cost of the spill, not just here, but internationally. Imagine the cost to tourism and to the national economy. Imagine the cost to our national economy in terms of the resources sector if there is a serious incident on the Great Barrier Reef. The consequences of that, not just for the tourism sector, but for our export sector, would be dire indeed. That is why we need a precautionary approach to these issues, which is why we cannot afford to dismiss the presence of the Australian flag on the back of Australian ships with Australian seafarers as just benefiting the MUA. The bogey is that there are workers, seafarers, who happen to be members of the Maritime Union of Australia. The carry-on that we hear from those opposite really is narrow ideology and nonsense.

The bill before us today is not just about preserving the tourism industry today; it is about making sure, in terms of protections and compensation, that future generations also have access to the Great Barrier Reef, the Sunshine Coast and the coastal wonders right around this country. That is why Labor is so pleased to be supporting this bill, which, as I have said, is a result of advocacy and common sense of the former government. I acknowledge the current government's good sense in carrying forward this legislation. The health of our environment and the safety of our shipping lanes should not be a political issue on a party level.

While the opposition is pleased to support this bill, I do question the government's sincerity in its broader approach to maritime issues, as we just saw in the absurd contribution from the member for Bass. On several occasions since the change of government the Minister for Infrastructure and Regional Development has foreshadowed his intentions to wind back Labor reforms to coastal shipping arrangements. These arrangements were worked out, not with the union sitting in a room with the Labor government, but with Rio Tinto; with Shipping Australia; with the Australian Shipowners Association; with BHP Billiton; with committees chaired by the departments of Treasury and Finance; with the Australian Maritime Safety Authority; with bodies from industry and from training; and with the Navy, which relies upon our merchant fleet to give people skills and upon the interrelationship between the naval fleet and the merchant fleet. The arrangements were worked out over an extensive period of time with consultative groups; with a House of Representatives unanimous committee, with the deputy chair, the former member for Hinkler, making recommendations consistent with the processes that are now in place. We worked it through, we had exposure drafts, and we had
the most extensive period of consultation possible to get a regime to take us forward into the future.

Do you know what I inherited as minister? The Navigation Act 1912. It had been around for 100 years. There were provisions in that act that related to the ability of a ship’s captain to shoot someone, and be free from prosecution, if they deemed them to be a lunatic. That was in the legislation. Of course, we changed and modernised the legislation with the most extensive program. Yet, what we have from those opposite is even the absurdity of just not knowing the facts. The previous contribution said that these measures were introduced over the last two years of this government. Now, here is the big hint for new people who have just got into this place: when an act is named '2012', that is the year it was introduced. That is the big hint. The election was in 2013, so it should not be too hard to work out that it did not come into practice until 1 July 2013 in terms of most of the provisions, which were in place only for a period of weeks when we were in office. Yet, we have absurd propositions from those opposite with the logic that there are MUA members on ships that have Australian flags on the back of them, therefore, we should not have ships with the Australian flag on the back, and we should abandon the shipping industry. Indeed, the minister stated that pretty clearly. It was an extraordinary speech that he gave. He said:

To put it bluntly, there is no point in artificially propping up our coastal shipping industry if it is unable to compete—it will have an impact on the broader economy.

So, the logic is, if you are paid Australian wages—and under our regime, yes, people are paid Australian-level wages—you cannot compete with Filipino level wages which might be $20 or $30 a day, which is what some of the ships with flags of convenience on the back of them pay, therefore, in a simplistic way, that should happen.

Taken to its logical conclusion, in terms of modal neutrality, should truck drivers also be paid the same wage as truck drivers are paid in Third World countries in the region? I do not think so. I think there are probably consequences for safety, in terms of road safety. There are consequences because they will not be as well trained. There are consequences in terms of safety of others on the road. There are also consequences—that is what this bill is about—for safety and ships that do not operate properly and securely, and we know that a free-for-all on the coast would do just that. What those opposite argue is that if you are taking a ship from Sydney to Melbourne you should not have to pay Australian wages and you should not have to comply with the Australian conditions. Taken to its logical conclusion, why not have this for trucks as well? Why not have trucks that run aground and create all sorts of issues and consequences?

I would be interested in what the difference is in terms of modal neutrality because I spoke at the Australian Logistics Council last week and one of the things that they are concerned about is modal neutrality. Asciano pointed out last week that the increases in costs are about port charges. That is what is going on here. In New South Wales and in Melbourne there have been massive increases in port charges. I met with Bell Bay Aluminium in Tasmania some months ago. I have asked them to provide the information that says there is considerable increase in costs. What they said to us was that that is an assessment based upon what a first bid was in terms of a contract from a particular Australian company.

It was not surprising that normal economic transactions, in terms of the contract, often start up high—you start off at a level of $10, and someone says, 'I'll do it for $5'—and you
negotiate your way through. That is what happens in terms of economic transactions. But these sorts of grand statements that are being made are just absurd when you look at what the difference is in terms of costs of labour. The number of seafarers operating a modern ship is very few because of the nature of modern ships, and the difference in wages between one and the other is not substantial when you look at the overall costs of the ship, and there has been a substantial reduction in prices, including of oil, in recent times compared with where it was a few years ago.

I am concerned at an example of where the government's attitude is going. It was shown with the Cairns based tourism venture Coral Princess Cruises. Tony Briggs was the owner of that company. He is not a member of the MUA; he is a businessman operating a business out of Cairns. Coral Princess Cruises has been sold to foreign interests because he could not compete with a Bermuda flagged vessel that began operating in competition. Tony Briggs said that this government's cabotage changes would make matters worse and damage Australian businesses. Mr Briggs's assessment of the government's reform plans was pretty simple. He described them as 'stupid'. That is what Mr Briggs said. He got straight to the point.

"There will never be another passenger ship built in Australia if there is no certainty on how we can operate," Mr Briggs said.

"It's exporting jobs."

That was what he had to say. Mr Briggs noted that foreign flagged vessels were at a huge advantage because they did not have to comply with Australian regulations, including those of the Australian Maritime Safety Authority. Neither were they bound by Australian rules on wages, occupational health and safety or industrial relations. Mr Briggs also noted:

... and the main thing is they don't have to pay tax.

That will help the Australian economy! Get rid of that Australian flag—we do not want businesses that pay tax here! It is much better for them to be not paying tax in the Panama or Bermuda, which is why they have those flags on the back of those ships! It is an extraordinary proposition. The Abbott government is happy to sacrifice Australian jobs and businesses to its ideological preoccupations. The national interest seems to be way down its list of priorities. The principle at play here is not the Minister for Infrastructure and Regional Development's ideological obsessions. It is the principle that a government should do everything in its power to encourage job creation here in Australia. It is the principle that governments should not be making decisions that destroy businesses and jobs and send them overseas.

I make this point: not one of the major shipping accidents that have occurred around our coast in recent times involved Australian flagged vessels that were crewed by Australian mariners. That is because local mariners and ships captains have years of experience working our coastal waterways. Unlike the crew of the Shen Neng 1, for example, they are familiar with the use of the proper sea lanes when it comes to ship movements around the Great Barrier Reef. They understand the environmental sensitivity of the Great Barrier Reef.

When it comes to this debate, those opposite often speak about the free market and, from time to time, they quote the United States as the model for the free market. I say this to them: there is no advanced country in the world that has a free-for-all around its coast like they want. In the United States, if you want to take domestic freight from one port to another by coastal shipping, you have to have the US flag on the back of your ship—100 per cent. Not
just that, but the ship has to be built in the United States. That has bipartisan support in the United States. They recognise that there is a bit of a relationship in terms of defence industries and in terms of the capacity as a sovereign nation to have a shipping fleet. Yet this mob want to get rid of it completely; that is essentially what they are advocating. They are saying there should be no regulatory distinction between an Australian ship and a foreign ship in terms of coastal shipping, that whoever can do it cheapest should do it. We in this country have very much a non-protectionist stance — those are the reforms we put in place. We did not say no to foreign ships; indeed, under the act, foreign ships continued to operate around coast. But we do say that where an Australian vessel is available, and can do it on a competitive basis, it should not be excluded from that — which is what would occur if those opposite got their way. I commend this legislation to the House. It is consistent with an approach that recognises the importance of the maritime sector.

Mr NIKOLIC (Bass — Government Whip) (11:46): Mr Deputy Speaker, I wish to make a personal explanation.

The DEPUTY SPEAKER (Mr Craig Kelly): Does the honourable member claim to have been misrepresented?

Mr NIKOLIC: Yes.

The DEPUTY SPEAKER: Please proceed.

Mr NIKOLIC: In his speech just now on the Limitation of Liability for Maritime Claims Amendment Bill 2015 the member for Grayndler claimed that I was mistaken in saying that Labor’s 2012 Coastal Shipping Act had resulted in a 63 per cent increase in freight rates for Bell Bay Aluminium. But my claim about a highly damaging 63 per cent increase in freight costs is supported by submissions the company made to the Productivity Commission.

Mr Albanese: Mr Deputy Speaker, on a point of order: I know the member for Bass is new to this place, but he has already had an opportunity to participate. If he wants to contribute to the debate —

The DEPUTY SPEAKER: There is no point of order. The member for Bass has the call but he should also understand that the opportunity on this is very limited.

Mr NIKOLIC: My claim about a highly damaging 63 per cent increase in freight costs at Bell Bay Aluminium is supported by submissions the company made to the Productivity Commission in both December 2013 and February 2014. I quote briefly the relevant section:

‘Following the introduction of the Coastal Trading Act 2012, Bell Bay Aluminium faced increases —

Mr Albanese: Mr Deputy Speaker, on a point of order: the member for Bass is participating in the debate. He is repeating what he said in his earlier contribution in the parliament. This is entirely out of order.

The DEPUTY SPEAKER: I thank the member for Grayndler for his advice. The member for Bass must realise that there is limited opportunity on this. I would ask him to come to his point quickly.

Mr NIKOLIC: Mr Deputy Speaker, I am trying to. In proof of the fact that I have been misrepresented, the head of Bell Bay Aluminium said to the Productivity Commission:

‘Following the introduction of the Coastal Trading Act 2012, Bell Bay Aluminium faced
increases of 63 per cent.' The member for Grayndler must therefore accept the truth of my comments and the appalling damage of Labor's coastal shipping charges which have destroyed jobs in my home state of Tasmania and the rest of Australia which all depend on efficient freight.

The DEPUTY SPEAKER: I thank the member for Bass.

Ms LEY (Farrer—Minister for Health and Minister for Sport) (11:48): I am pleased to provide the following summing-up comments on behalf of the Minister for Infrastructure. Australia is a party to the 1996 protocol to the Convention on Limitation of Liability for Maritime Claims, which allows a shipowner—including the charterer, manager and operator of the ship—or salvor to limit the total amount they can be required to pay for damage caused by the ship, the shipowner or the salvor. Allowing shipowners to limit their liability in respect of ship sourced damage balances the tension between compensating those who suffer loss or damage caused by shipowners or their representatives and ensuring shipowners are able to access insurance to cover their liability for that damage.

Australia implements the 1996 LLMC protocol through the Limitation of Liability for Maritime Claims Act 1989. The purpose of this bill is to implement amendments to the 1996 LLMC protocol which will enter into force internationally on 8 June 2015. Australia was the leading advocate of increasing the liability limits under the 1996 LLMC protocol at the IMO following the Pacific Adventurer incident off the Queensland coast on 11 March 2009 which involved a bunker oil spill. The costs for cleaning up the spill were estimated at $34 million. However, under the 1996 LLMC protocol the shipowner was legally entitled to limit its liability to approximately $17.5 million.

The 1996 LLMC protocol uses special drawing rights to quantify the liability limits based on conversion rates as at 5 February 2015 under the new arrangements. The financial liability for a medium sized vessel of 50,000 gross tonnes in respect of claims for loss of life or personal injury amounts to an increase of approximately $33,600,000. A claim for the same sized vessel made in regard to any other claims amounts to an increase of approximately $16,800,000. The maximum liability of a shipowner is usually calculated based on the size of the ship.

The amendments are expected to have a minor impact, if any, on insurance costs for ships. Insurance for the global shipping industry is organised through insurance pools, whereby premiums respond to calls on those insurance pools, rather than fluctuating as a direct result of increases in liability limits. There was wide support amongst signatory states to the 1996 protocol on the need to review the limits of liability in order to ensure the availability of adequate compensation to victims. The Australian Shipowners Association and the International Chamber of Shipping support the increase in liability limits. Ensuring the LLMC liability limits are raised in Australia as soon as they enter into force will reduce the risk of having to seek an increase to the Protection of the Sea Levy in the event that the shipowner's liability and/or insurance for an incident is insufficient or absent.

I commend the bill to the House and I appreciate the support of the opposition.

Question agreed to.

Bill read a second time.
Third Reading

Ms LEY (Farrer—Minister for Health and Minister for Sport) (11:52): by leave—I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.

Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014
Consideration in Detail

Debate resumed.

Mr TURNBULL (Wentworth—Minister for Communications) (11:53): I present a supplementary explanatory memorandum to the bill.

Mr TURNBULL: by leave—I move government amendments (1) to (41) and (49) to (74) as circulated together:
(1) Schedule 1, item 1, page 3 (line 11), after "to be kept,", insert "in accordance with section 187BA and".
(2) Schedule 1, item 1, page 3 (line 13), omit "prescribed by the regulations", substitute "specified in or under section 187AA".
(3) Schedule 1, item 1, page 3 (line 22) to page 4 (line 9), omit subsection 187A(2).
(4) Schedule 1, item 1, page 4 (line 19), omit "prescribed by the regulations", substitute "for which a declaration under subsection (3A) is in force".
(5) Schedule 1, item 1, page 4 (after line 24), after subsection 187A(3), insert:
(3A) The Minister may, by legislative instrument, declare a service to be a service to which this Part applies.
(3B) A declaration under subsection (3A):
(a) comes into force when it is made, or on such later day as is specified in the declaration; and
(b) ceases to be in force at the end of the period of 40 sitting days of a House of the Parliament after the declaration comes into force.
(3C) If a Bill is introduced into either House of the Parliament that includes an amendment of subsection (3), the Minister:
(a) must refer the amendment to the Parliamentary Joint Committee on Intelligence and Security for review; and
(b) must not in that referral specify, as the period within which the Committee is to report on its review, a period that will end earlier than 15 sitting days of a House of the Parliament after the introduction of the Bill.
(6) Schedule 1, item 1, page 5 (lines 6 to 11), omit paragraph 187A(4)(c), substitute:
(c) information to the extent that it relates to a communication that is being carried by means of another service:
(i) that is of a kind referred to in paragraph (3)(a); and
(ii) that is operated by another person using the relevant service operated by the service provider;
or a document to the extent that the document contains such information; or
Note: This paragraph puts beyond doubt that service providers are not required to keep information or documents about communications that pass "over the top" of the underlying service they provide, and that are being carried by means of other services operated by other service providers.

(7) Schedule 1, item 1, page 6 (lines 3 to 6), omit subsection 187A(7).

(8) Schedule 1, item 1, page 6 (after line 6), after section 187A, insert:

187AA Information to be kept

(1) The following table sets out the kinds of information that a service provider must keep, or cause to be kept, under subsection 187A(1):

<table>
<thead>
<tr>
<th>Item</th>
<th>Topic</th>
<th>Description of information</th>
</tr>
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</table>
| 1    | The subscriber of, and accounts, services, telecommunications devices and other relevant services relating to, the relevant service | The following:  
(i) any name or address information;  
(ii) any other information for identification purposes; relating to the relevant service, being information used by the service provider for the purposes of identifying the subscriber of the relevant service;  
(b) any information relating to any contract, agreement or arrangement relating to the relevant service, or to any related account, service or device;  
(c) any information that is one or both of the following:  
(i) billing or payment information;  
(ii) contact information; relating to the relevant service, being information used by the service provider in relation to the relevant service;  
(d) any identifiers relating to the relevant service or any related account, service or device, being information used by the service provider in relation to the relevant service or any related account, service or device;  
(e) the status of the relevant service, or any related account, service or device. |
| 2    | The source of a communication | Identifiers of a related account, service or device from which the communication has been sent by means of the relevant service. |
| 3    | The destination of a communication | Identifiers of the account, telecommunications device or relevant service to which the communication:  
(a) has been sent; or  
(b) has been forwarded, routed or transferred, or attempted to be forwarded, routed or transferred. |
| 4    | The date, time and duration of a communication, or of its connection to a relevant service | The date and time (including the time zone) of the following relating to the communication (with sufficient accuracy to identify the communication):  
(a) the start of the communication; |
<table>
<thead>
<tr>
<th>Item</th>
<th>Topic</th>
<th>Description of information</th>
</tr>
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</table>
| 5  | The type of a communication or of a relevant service used in connection with a communication | (b) the end of the communication;  
     |  | (c) the connection to the relevant service;  
     |  | (d) the disconnection from the relevant service.  
     |  | The following:  
     |  | (a) the type of communication;  
     |  | Examples: Voice, SMS, email, chat, forum, social media.  
     |  | (b) the type of the relevant service;  
     |  | Examples: ADSL, Wi-Fi, VoIP, cable, GPRS, VoLTE, LTE.  
     |  | (c) the features of the relevant service that were, or would have been, used by or enabled for the communication.  
     |  | Examples: Call waiting, call forwarding, data volume usage.  
     |  | Note: This item will only apply to the service provider operating the relevant service: see paragraph 187A(4)(c). |
| 6  | The location of equipment, or a line, used in connection with a communication | The following in relation to the equipment or line used to send or receive the communication:  
     |  | (a) the location of the equipment or line at the start of the communication;  
     |  | (b) the location of the equipment or line at the end of the communication.  
     |  | Examples: Cell towers, Wi-Fi hotspots. |
(ba) the objects of the Privacy Act 1988; and
(bb) any submissions made by the Privacy Commissioner because of the consultation under subsection (2A); and
(11) Schedule 1, item 1, page 6 (after line 30), at the end of section 187B, add:

6 As soon as practicable after making a declaration under subsection (2), the Communications Access Co-ordinator must give written notice of the declaration to the Minister.

7 As soon as practicable after receiving the notice under subsection (6), the Minister must give written notice of the declaration to the Parliamentary Joint Committee on Intelligence and Security.

(12) Schedule 1, item 1, page 6 (after line 30), after section 187B, insert:

187BA Ensuring the confidentiality of information

A service provider must protect the confidentiality of information that, or information in a document that, the service provider must keep, or cause to be kept, under section 187A by:

(a) encrypting the information; and
(b) protecting the information from unauthorised interference or unauthorised access.

(13) Schedule 1, item 1, page 7 (line 6), omit "paragraph 187A(2)(a)", substitute "paragraph (a) or (b) in column 2 of item 1 of the table in subsection 187AA(1)".

(14) Schedule 1, item 1, page 7 (line 16), omit "paragraph 187A(2)(a)", substitute "paragraph (a) or (b) in column 2 of item 1 of the table in subsection 187AA(1)".

(15) Schedule 1, item 1, page 7 (line 31), omit "section 187C", substitute "section 187BA or 187C".

(16) Schedule 1, item 1, page 8 (line 6), after "keeping", insert ", and ensuring the confidentiality of,".

(17) Schedule 1, item 1, page 8 (line 11), after "keeping", insert ", and ensuring the confidentiality of,".

(18) Schedule 1, item 1, page 8 (line 13), omit "section 187C", substitute "sections 187BA and 187C".

(19) Schedule 1, item 1, page 8 (line 15), omit "section 187C", substitute "sections 187BA and 187C".

(20) Schedule 1, item 1, page 9 (line 4), omit "section 187C", substitute "sections 187BA and 187C".

(21) Schedule 1, item 1, page 9 (line 9), omit "section 187C", substitute "section 187BA or 187C".

(22) Schedule 1, item 1, page 12 (line 1), omit "the end of".

(23) Schedule 1, item 1, page 13 (line 16), omit "exemption", substitute "decision".

(24) Schedule 1, item 1, page 14 (line 19), after "data retention", insert "or information security".

(25) Schedule 1, item 1, page 14 (after line 22), at the end of Division 3, add:

187KA Review of exemption or variation decisions

1 A service provider may apply in writing to the ACMA for review of a decision under subsection 187K(1) relating to the service provider.

2 The ACMA must:

(a) confirm the decision; or
(b) substitute for that decision another decision that could have been made under subsection 187K(1).

A substituted decision under paragraph (b) has effect (other than for the purposes of this section) as if it were a decision of the Communications Access Co-ordinator under subsection 187K(1).

3 Before considering its review of the decision under subsection 187K(1), the ACMA must give a copy of the application to:

(a) the Communications Access Co-ordinator; and
(b) any enforcement agencies and security authorities that were given, under subparagraph 187K(5)(a)(i), a copy of the application for the decision under review; and

c) any other enforcement agencies and security authorities that, in the opinion of the ACMA, are likely to be interested in the application.

Matters to be taken into account

(4) Before making a decision under subsection (2) in relation to a service provider, the ACMA must take into account:

(a) the interests of law enforcement and national security; and

(b) the objects of the Telecommunications Act 1997; and

(c) the service provider's history of compliance with this Part; and

(d) the service provider's costs, or anticipated costs, of complying with this Part; and

(e) any alternative data retention or information security arrangements that the service provider has identified.

(5) The ACMA may take into account any other matter it considers relevant.

(26) Schedule 1, item 1, page 14 (before line 24), before section 187L, insert:

187KB Commonwealth may make a grant of financial assistance to service providers

(1) The Commonwealth may make a grant of financial assistance to a service provider for the purpose of assisting the service provider to comply with the service provider's obligations under this Part.

(2) The terms and conditions on which that financial assistance is granted are to be set out in a written agreement between the Commonwealth and the service provider.

(3) An agreement under subsection (2) may be entered into on behalf of the Commonwealth by the Minister.

(27) Schedule 1, item 1, page 14 (after line 33), after subsection 187L(1), insert:

(1A) If the ACMA receives a service provider's application under section 187KA for review of a decision under subsection 187K(1), the ACMA must:

(a) treat the application as confidential; and

(b) ensure that it is not disclosed to any other person or body (other than the Communications Access Co-ordinator, an enforcement agency or a security authority) without the written permission of the service provider.

(28) Schedule 1, item 1, page 15 (lines 1 and 2), omit ", an enforcement agency or a security authority must, if it receives under paragraph 187G(1)(a) or 187K(5)(a)"; substitute ", the Communications Access Co-ordinator, an enforcement agency or a security authority must, if it receives under subsection 187G(1), paragraph 187K(5)(a) or subsection 187KA(3)".

(29) Schedule 1, item 1, page 15 (after line 6), after section 187L, insert:

187LA Application of the Privacy Act 1988

(1) The Privacy Act 1988 applies in relation to a service provider, as if the service provider were an organisation within the meaning of that Act, to the extent that the activities of the service provider relate to retained data.

(2) Information that is kept under this Part, or information that is in a document kept under this Part is taken, for the purposes of the Privacy Act 1988, to be personal information about an individual if the information relates to:

(a) the individual; or
(b) a communication to which the individual is a party.

(30) Schedule 1, item 1, page 15 (lines 14 to 17), omit subsection 187N(1), substitute:

(1) The Parliamentary Joint Committee on Intelligence and Security must review the operation of this Part.

(1A) The review:

(a) must start on or before the second anniversary of the end of the implementation phase; and

(b) must be concluded on or before the third anniversary of the end of the implementation phase.

(31) Schedule 1, item 1, page 15 (after line 19), at the end of section 187N, add:

(3) Until the review is completed, the head (however described) of an enforcement agency must keep:

(a) all of the documents that he or she is required to retain under section 185; and

(b) all of the information that he or she is required, by paragraphs 186(1)(e) to (k), to include in a report under subsection 186(1);

relating to the period starting on the commencement of this Part and ending when the review is completed.

(4) Until the review is completed, the Director-General of Security must keep:

(a) all of the authorisations made under Division 3 of Part 4-1; and

(b) all of the information that he or she is required, by paragraphs 94(2A)(c) to (j) of the Australian Security Intelligence Organisation Act 1979, to include in a report referred to in subsection 94(1) of that Act;

relating to the period starting on the commencement of this Part and ending when the review is completed.

(5) Subsections (3) and (4) do not limit any other obligation to keep information under this Act or another law.

(32) Schedule 1, item 1, page 15 (after line 23), after subsection 187P(1), insert:

(1A) Without limiting the matters that may be included in a report under subsection (1), it must include information about:

(a) the costs to service providers of complying with this Part; and

(b) the use of data retention implementation plans approved under Division 2 of this Part.

(33) Schedule 1, page 16, after the heading to Part 2, insert:

Australian Security Intelligence Organisation Act 1979

1A Section 4

Insert:

retained data has the same meaning as in the Telecommunications (Interception and Access) Act 1979.

(34) Schedule 1, page 16, after proposed item 1A, insert:

1B Paragraphs 94(2A)(a) and (b)

Omit "year", substitute "period".

1C At the end of subsection 94(2A)

Add:

; and (c) the number of authorisations made during the period under section 175 and subsection 176(3) of the Telecommunications (Interception and Access) Act 1979; and
(d) the purposes for which those authorisations were made; and

(e) the lengths of time for which the information or documents that were, or would have been, covered by those authorisations had been held when access was sought; and

(f) the number of those authorisations that related to retained data that included information of a kind referred to in item 1 of the table in subsection 187AA(1) of that Act; and

(g) the number of those authorisations that related to retained data that included information of a kind referred to in item 2, 3, 4, 5 or 6 of the table in subsection 187AA(1) of that Act; and

(h) the number of those authorisations that were made under journalist information warrants issued under Subdivision B of Division 4C of Part 4-1 of that Act; and

(i) the number of journalist information warrants issued under that Subdivision during the period; and

(j) information of a kind declared under subsection (2C) of this section.

1D After subsection 94(2A)

Insert:

(2B) A report under subsection (1) is to set out the matters referred to in paragraph (2A)(e) by specifying:

(a) in relation to each of 8 successive periods of 3 months, the number of the authorisations sought for information or documents held for lengths of time included in that period; and

(b) the number of the authorisations sought for information or documents held for lengths of time exceeding 24 months.

(2C) The Minister may, by legislative instrument, declare kinds of information that are to be set out in a report under subsection (1).

(35) Schedule 1, page 16, after proposed item 1D, insert:

Intelligence Services Act 2001

1E Section 3

Insert:

retained data activity means an activity relating to information, or documents, that a service provider has been required to keep under Part 5-1A of the Telecommunications (Interception and Access) Act 1979.

service provider has the same meaning as in the Telecommunications (Interception and Access) Act 1979.

(36) Schedule 1, page 16, after proposed item 1E, insert:

1F After paragraph 29(1)(bb)

Insert:

(bc) to conduct the review under section 187N of the Telecommunications (Interception and Access) Act 1979; and

(bd) subject to subsection (5), to review any matter that:

(i) relates to the retained data activities of ASIO; and

(ii) is included, under paragraph 94(2A)(e), (d), (e), (f), (g), (h), (i) or (j) of the Australian Security Intelligence Organisation Act 1979, in a report referred to in subsection 94(1) of that Act; and

(be) subject to subsection (5), to review any matter that:

(i) relates to the retained data activities of the AFP in relation to offences against Part 5.3 of the Criminal Code; and
(ii) is set out, under paragraph 186(1)(e), (f), (g), (h), (i), (j) or (k) of the Telecommunications (Interception and Access) Act 1979, in a report under subsection 186(1) of that Act; and

1G At the end of section 29
Add:
(4) Subject to subsection (5), paragraphs (3)(c) and (k) do not apply to things done in the performance of the Committee's functions under paragraphs (1)(bd) and (be).

(5) The Committee's functions under paragraphs (1)(bd) and (be):
   (a) are to be performed for the sole purpose of assessing, and making recommendations on, the overall operation and effectiveness of Part 5-1A of the Telecommunications (Interception and Access) Act 1979; and
   (b) do not permit reviewing the retained data activities of service providers; and
   (c) may not be performed for any purpose other than that set out in paragraph (a).
Note: The performance of the Committee's functions under paragraphs (1)(bd) and (be) are also subject to the requirements of Schedule 1.

(37) Schedule 1, page 16, after proposed item 1G, insert:

Privacy Act 1988

1H Subsection 6(1) (at the end of the definition of personal information)
Add:
Note: Section 187LA of the Telecommunications (Interception and Access) Act 1979 extends the meaning of personal information to cover information kept under Part 5-1A of that Act.

(38) Schedule 1, page 16, after proposed item 1H, insert:

1J Subsection 6C(1) (note)
Repeal the note, substitute:

Note 1: Under section 187LA of the Telecommunications (Interception and Access) Act 1979, service providers are, in relation to their activities relating to retained data, treated as organisations for the purposes of this Act.
Note 2: Regulations may prescribe an instrumentality by reference to one or more classes of instrumentality. See subsection 13(3) of the Legislative Instruments Act 2003.

(39) Schedule 1, page 16 (after line 17), after item 3, insert:

3A After subsection 280(1A)
Insert:
(1B) Subject to subsection (1C), paragraph (1)(b) does not apply to a disclosure of information or a document if:
   (a) the disclosure is required or authorised because of:
      (i) a subpoena; or
      (ii) a notice of disclosure; or
      (iii) an order of a court;
      in connection with a civil proceeding; and
   (b) the information or document is kept, by a service provider (within the meaning of the Telecommunications (Interception and Access) Act 1979), solely for the purpose of complying with Part 5-1A of that Act; and
(c) the information or document is not used or disclosed by the service provider for any purpose other than one or more of the following purposes:
   (i) complying with Part 5-1A of that Act;
   (ii) complying with the requirements of warrants under Chapters 2 and 3 of that Act or authorisations under Chapter 4 of that Act;
   (iii) complying with requests or requirements to make disclosures provided for by sections 284 to 288 of this Act;
   (iv) providing persons with access to their personal information in accordance with the Privacy Act 1988;
   (v) a purpose prescribed by the regulations;
   (vi) a purpose incidental to any of the purposes referred to in subparagraphs (i) to (v).
(1C) Subsection (1B) does not apply:
   (a) in circumstances of a kind prescribed by the regulations; or
   (b) to a disclosure to an enforcement agency (within the meaning of the Telecommunications (Interception and Access) Act 1979); or
   (c) to a disclosure that occurs during the implementation phase (within the meaning of that Act).
(40) Schedule 1, page 16, after proposed item 3A, insert:

3B Section 281

Before "Division 2", insert "(1)".

3C At the end of section 281

Add:

(2) Subject to subsection (3), this section does not apply to a disclosure of information or a document by a person as a witness in a civil proceeding if the information or document:
   (a) is kept, by a service provider (within the meaning of the Telecommunications (Interception and Access) Act 1979), solely for the purpose of complying with Part 5-1A of that Act; and
   (b) is not used or disclosed by the service provider for any purpose other than one or more of the following purposes:
      (i) complying with Part 5-1A of that Act;
      (ii) complying with the requirements of warrants under Chapters 2 and 3 of that Act or authorisations under Chapter 4 of that Act;
      (iii) complying with requests or requirements to make disclosures provided for by sections 284 to 288 of this Act;
      (iv) providing persons with access to their personal information in accordance with the Privacy Act 1988;
      (v) a purpose prescribed by the regulations;
      (vi) a purpose incidental to any of the purposes referred to in subparagraphs (i) to (v).
(3) Subsection (2) does not apply:
   (a) in circumstances of a kind prescribed by the regulations; or
   (b) to a disclosure to an enforcement agency (within the meaning of the Telecommunications (Interception and Access) Act 1979); or
   (c) to a disclosure that occurs during the implementation phase (within the meaning of that Act).
(41) Schedule 1, item 5, page 16 (lines 24 to 28), omit the item, substitute:
5 Subsection 5(1)
Insert:

Defence Minister has the same meaning as in the Intelligence Services Act 2001.
Foreign Affairs Minister has the same meaning as in the Intelligence Services Act 2001.
IGIS official has the same meaning as in the Australian Security Intelligence Organisation Act 1979.
implementation phase has the meaning given by subsection 187H(2).
infrastructure means any line or equipment used to facilitate communications across a telecommunications network.
journalist information warrant means a warrant issued under Division 4C of Part 4-1.
Part 4-1 issuing authority means a person in respect of whom an appointment is in force under section 6DC.
Public Interest Advocate means a person declared under section 180X to be a Public Interest Advocate.
related account, service or device, in relation to a service to which Part 5-1A applies, means:
(a) an account; or
(b) a telecommunications device; or
(c) another service of a kind referred to in paragraph 187A(3)(a);
that is related to the service.
retained data means information, or documents, that a service provider is or has been required to keep under Part 5-1A.
service provider has the meaning given by subsection 187A(1).
source (except in item 2 of the table in subsection 187AA(1)) means a person who provides information:
(a) to another person who is working in a professional capacity as a journalist; and
(b) in the normal course of the other person’s work in such a capacity; and
(c) in the expectation that the information may be disseminated in the form of:
(i) news, current affairs or a documentary; or
(ii) commentary or opinion on, or analysis of, news, current affairs or a documentary.

(49) Schedule 1, page 17 (after proposed item 6Q), at the end of Part 2, add:

6R After subparagraph 181B(3)(b)(i)
Insert:

   (ia) to enable a person to comply with his or her obligations under section 185D or 185E; or

6S Before subparagraph 181B(6)(b)(i)
Insert:

   (ia) to enable a person to comply with his or her obligations under section 185D or 185E; or

(50) Schedule 1, page 17 (after proposed item 6S), at the end of Part 2, add:

6T Subsection 182(2)
Repeal the subsection, substitute:
Exempt disclosures

(2) Paragraph (1)(b) does not apply to a disclosure of non-missing person information if:
(a) the disclosure is reasonably necessary:
   (i) for a person to comply with his or her obligations under section 185D or 185E; or
   (ii) for the performance by the Organisation of its functions; or
   (iii) for the enforcement of the criminal law; or
   (iv) for the enforcement of a law imposing a pecuniary penalty; or
   (v) for the protection of the public revenue; or
(b) the disclosure is:
   (i) to an IGIS official for the purpose of the Inspector-General of Intelligence and Security exercising powers, or performing functions or duties, under the Inspector-General of Intelligence and Security Act 1986; or
   (ii) by an IGIS official in connection with the IGIS official exercising powers, or performing functions or duties, under that Act.

Note: A defendant bears an evidential burden in relation to the matter in subsection (2) (see subsection 13.3(3) of the Criminal Code).

6U Subsection 182(3)
Repeal the subsection, substitute:

Exempt uses
(3) Paragraph (1)(b) does not apply to a use of non-missing person information if:
   (a) the use is reasonably necessary:
       (i) for a person to comply with his or her obligations under section 185D or 185E; or
       (ii) for the enforcement of the criminal law; or
       (iii) for the enforcement of a law imposing a pecuniary penalty; or
       (iv) for the protection of the public revenue; or
   (b) the use is by an IGIS official in connection with the IGIS official exercising powers, or performing functions or duties, under the Inspector-General of Intelligence and Security Act 1986.

Note: A defendant bears an evidential burden in relation to the matter in subsection (3) (see subsection 13.3(3) of the Criminal Code).

(51) Schedule 1, page 17 (after proposed item 6U), at the end of Part 2, add:

6V At the end of Division 6 of Part 4-I
Add:

182A Disclosure/use offences: journalist information warrants
(1) A person commits an offence if:
   (a) the person discloses or uses information; and
   (b) the information is about any of the following:
       (i) whether a journalist information warrant (other than such a warrant that relates only to section 178A) has been, or is being, requested or applied for;
       (ii) the making of such a warrant;
       (iii) the existence or non-existence of such a warrant;
       (iv) the revocation of such a warrant.
Penalty: Imprisonment for 2 years.
(2) A person commits an offence if:
(a) the person discloses or uses a document; and
(b) the document consists (wholly or partly) of any of the following:
   (i) a journalist information warrant (other than such a warrant that relates only to section 178A);
   (ii) the revocation of such a warrant.

Penalty: Imprisonment for 2 years.

182B Permitted disclosure or use: journalist information warrants

Paragraphs 182A(1)(a) and (2)(a) do not apply to a disclosure or use of information or a document if:
(a) the disclosure or use is for the purposes of the warrant, revocation or notification concerned; or
(b) the disclosure or use is reasonably necessary:
   (i) to enable the making of submissions under section 180X; or
   (ii) to enable a person to comply with his or her obligations under section 185D or 185E; or
   (iii) to enable the Organisation to perform its functions; or
   (iv) to enforce the criminal law; or
   (v) to enforce a law imposing a pecuniary penalty; or
   (vi) to protect the public revenue; or
(c) in the case of a disclosure—the disclosure is:
   (i) to an IGIS official for the purpose of the Inspector-General of Intelligence and Security exercising powers, or performing functions or duties, under the Inspector-General of Intelligence and Security Act 1986; or
   (ii) by an IGIS official in connection with the IGIS official exercising powers, or performing functions or duties, under that Act; or
(d) in the case of a use—the use is by an IGIS official in connection with the IGIS official exercising powers, or performing functions or duties, under the Inspector-General of Intelligence and Security Act 1986.

Note: A defendant bears an evidential burden in relation to the matter in this section (see subsection 13.3(3) of the Criminal Code).

(52) Schedule 1, page 17 (after proposed item 6V), at the end of Part 2, add:

6W At the end of section 185

Add:
(3) This section does not limit subsection 187N(3).

(53) Schedule 1, page 17 (after proposed item 6W), at the end of Part 2, add:

6X After section 185C

Insert:

185D Notification etc. of authorisations intended to identify media sources

The Organisation

(1) If a journalist information warrant is issued under Subdivision B of Division 4C of Part 4-1:
   (a) the Director-General of Security must, as soon as practicable, give a copy of the warrant to the Inspector-General of Intelligence and Security; and
   (b) the Minister must, as soon as practicable, cause the Parliamentary Joint Committee on Intelligence and Security to be notified of the issuing of the warrant.
(2) If an authorisation under Division 3 of Part 4-1 is made under the authority of the warrant, the Director-General of Security must, as soon as practicable after the expiry of the warrant, give a copy of the authorisation to the Inspector-General of Intelligence and Security.

(3) If:
   (a) the Inspector-General gives to the Minister a report under section 22 or 25A of the Inspector-General of Intelligence and Security Act 1986; and
   (b) the report relates (wholly or partly) to one or both of the following:
       (i) a journalist information warrant issued to the Organisation;
       (ii) one or more authorisations referred to in subsection (2) of this section;
   the Minister must, as soon as practicable, cause a copy of the report to be given to the Parliamentary Joint Committee on Intelligence and Security.

(4) The Parliamentary Joint Committee on Intelligence and Security may request a briefing from the Inspector-General on:
   (a) a journalist information warrant; or
   (b) an authorisation or authorisations;
   to which a report referred to in paragraph (3)(b) of this section relates.

Enforcement agencies

(5) If a journalist information warrant is issued to an enforcement agency:
   (a) if the agency was the Australian Federal Police:
       (i) the Commissioner of Police must, as soon as practicable, give copies of the warrant to the Minister and the Ombudsman; and
       (ii) the Minister must, as soon as practicable after receiving a copy, cause the Parliamentary Joint Committee on Intelligence and Security to be notified of the issuing of the warrant; and
   (b) otherwise—the chief officer of the agency must, as soon as practicable, give a copy of the warrant to the Ombudsman.

(6) If an authorisation under Division 4 of Part 4-1 is made under the authority of the warrant, the chief officer of the agency must, as soon as practicable after the expiry of the warrant, give a copy of the authorisation to the Ombudsman.

(7) If:
   (a) the Ombudsman gives to the Minister a report under section 186J of this Act; and
   (b) the report relates (wholly or partly) to one or both of the following:
       (i) a journalist information warrant issued to the Australian Federal Police;
       (ii) one or more authorisations, referred to in subsection (6) of this section, that were made by one or more authorised officers of the Australian Federal Police;
   the Minister must, as soon as practicable, cause a copy of the report to be given to the Parliamentary Joint Committee on Intelligence and Security.

(8) The Parliamentary Joint Committee on Intelligence and Security may request a briefing from the Ombudsman on:
   (a) a journalist information warrant; or
   (b) an authorisation or authorisations;
   to which a report referred to in paragraph (7)(b) of this section relates.
185E Reports on access to retained data

The Organisation

(1) If:

(a) the Inspector-General of Intelligence and Security gives to the Minister a report under section 22 or 25A of the Inspector-General of Intelligence and Security Act 1986; and

(b) the report relates (wholly or partly) to the purpose or manner of access to retained data by means of one or more authorisations under Division 3 of Part 4-1 of this Act;

the Minister must, as soon as practicable, cause a copy of the report to be given to the Parliamentary Joint Committee on Intelligence and Security.

(2) The Parliamentary Joint Committee on Intelligence and Security may request a briefing from the Inspector-General on the authorisation or authorisations.

Australian Federal Police

(3) If:

(a) the Ombudsman gives to the Minister a report under section 186J of this Act; and

(b) the report relates (wholly or partly) to the purpose or manner of access to retained data by means of one or more authorisations under Division 4 or 4A of Part 4-1 of this Act; and

(c) the authorisation or authorisations were made by one or more authorised officers of the Australian Federal Police;

the Minister must, as soon as practicable, cause a copy of the report to be given to the Parliamentary Joint Committee on Intelligence and Security.

(4) The Parliamentary Joint Committee on Intelligence and Security may request a briefing from the Ombudsman on the authorisation or authorisations.

(54) Schedule 1, page 17 (after proposed item 6X), at the end of Part 2, add:

6Y At the end of subsection 186(1)

Add:

; and (e) the offences and other matters for which authorised officers of the agency made authorisations under sections 178, 178A, 179 and 180 during that year; and

(f) the lengths of time for which the information or documents that were covered by those authorisations had been held when the authorisations were made; and

(g) the number of occasions during that year on which authorised officers of the agency made authorisations relating to retained data that included information of a kind referred to in item 1 of the table in subsection 187AA(1); and

(h) the number of occasions during that year on which authorised officers of the agency made authorisations relating to retained data that included information of a kind referred to in item 2, 3, 4, 5 or 6 of the table in subsection 187AA(1); and

(i) the number of authorisations, referred to in paragraph (e) of this subsection, that were made under journalist information warrants issued to the agency under Subdivision C of Division 4C of Part 4-1 of that Act; and

(j) the number of journalist information warrants issued to the agency under that Subdivision during the period; and

(k) information of a kind declared under subsection (1E) of this section.

6Z After subsection 186(1)

Insert:

CHAMBER
The report under subsection (1) is to set out the offences and other matters referred to in paragraph (1)(e) by means of the categories declared under subsection (1B).

The Minister may, by legislative instrument, declare categories of offences and other matters into which the offences and other matters are to be divided for the purposes of paragraph (1)(e).

The report under subsection (1) is to set out the matters referred to in paragraph (1)(f) by specifying:

(a) in relation to each of 8 successive periods of 3 months, the number of the authorisations made for information or documents held for lengths of time included in that period; and

(b) the number of the authorisations made for information or documents held for lengths of time exceeding 24 months.

For the purposes of paragraph (1)(f), disregard any authorisations under subsection 180(2), except to the extent that they include authorisations under subsection 180(3).

The Minister may, by legislative instrument, declare kinds of information that are to be set out in the report under subsection (1).

12 First reporting period after commencement of Part 5-1A

(1) The annual report referred to in subsection 94(1) of the Australian Security Intelligence Organisation Act 1979 for the period during which Part 5-1A commenced is to include a statement of the matters referred to in paragraphs 94(2A)(c) to (j) of that Act as amended by this Act only to the extent that the matters relate to the part of that period occurring after Part 5-1A commenced.

(2) A report under section 186 of the Telecommunications (Interception and Access) Act 1979 as amended by this Act for the period during which Part 5-1A commenced is to include a statement of the matters referred to in paragraphs 186(1)(e) to (k) of that Act as so amended only to the extent that the matters relate to the part of that period occurring after Part 5-1A commenced.

(3) In this item:

Part 5-1A means Part 5-1A of the Telecommunications (Interception and Access) Act 1979 as amended by this Act.
(64) Schedule 2, item 3, page 22 (line 26), omit "a level of".

(65) Schedule 2, item 3, page 22 (after line 37), after subsection 110A(4), insert:

(4A) For the purposes of subparagraphs (4)(c)(ii) and (iii), the protection of personal information provided by the scheme must:

(a) be comparable to the protection provided by the Australian Privacy Principles; and

(b) include a mechanism for monitoring the authority's or body's compliance with the scheme; and

(c) include a mechanism that enables an individual to seek recourse if his or her personal information is mishandled.

(66) Schedule 2, item 3, page 23 (after line 28), at the end of section 110A, add:

(10) A declaration under subsection (3):

(a) comes into force when it is made, or on such later day as is specified in the declaration; and

(b) ceases to be in force at the end of the period of 40 sitting days of a House of the Parliament after the declaration comes into force.

(11) If a Bill is introduced into either House of the Parliament that includes an amendment of subsection (1), the Minister:

(a) must refer the amendment to the Parliamentary Joint Committee on Intelligence and Security for review; and

(b) must not in that referral specify, as the period within which the Committee is to report on its review, a period that will end earlier than 15 sitting days of a House of the Parliament after the introduction of the Bill.

(67) Schedule 2, item 4, page 24 (line 8), omit "the", substitute "an".

(68) Schedule 2, item 4, page 24 (after line 11), after subsection 176A(3), insert:

(3A) The Minister may make the declaration whether or not the head of the authority or body has made a request under subsection (2).

(3B) The Minister must not make the declaration unless the Minister is satisfied on reasonable grounds that the functions of the authority or body include:

(a) enforcement of the criminal law; or

(b) administering a law imposing a pecuniary penalty; or

(c) administering a law relating to the protection of the public revenue.

(69) Schedule 2, item 4, page 24 (lines 14 to 18), omit paragraph 176A(4)(a).

(70) Schedule 2, item 4, page 24 (line 21), omit "those functions", substitute "the functions referred to in subsection (3B)".

(71) Schedule 2, item 4, page 24 (lines 25 to 28), omit subparagraph 176A(4)(c)(ii), substitute:

(ii) is required to comply with a binding scheme that provides protection of personal information that meets the requirements of subsection (4A); or

(72) Schedule 2, item 4, page 24 (line 30), omit "a level of".

(73) Schedule 2, item 4, page 25 (after line 3), after subsection 176A(4), insert:

(4A) For the purposes of subparagraphs (4)(c)(ii) and (iii), the protection of personal information provided by the scheme must:

(a) be comparable to the protection provided by the Australian Privacy Principles; and

(b) include a mechanism for monitoring the authority's or body's compliance with the scheme; and
(c) include a mechanism that enables an individual to seek recourse if his or her personal information is mishandled.

(74) Schedule 2, item 4, page 25 (after line 22), at the end of section 176A, add:

(10) A declaration under subsection (3):

(a) comes into force when it is made, or on such later day as is specified in the declaration; and

(b) ceases to be in force at the end of the period of 40 sitting days of a House of the Parliament after the declaration comes into force.

(11) If a Bill is introduced into either House of the Parliament that includes an amendment of subsection (1), the Minister:

(a) must refer the amendment to the Parliamentary Joint Committee on Intelligence and Security for review; and

(b) must not in that referral specify, as the period within which the Committee is to report on its review, a period that will end earlier than 15 sitting days of a House of the Parliament after the introduction of the Bill.

We are moving the amendments in two blocks. The first block, which comprises the amendments I am moving at the moment, faithfully implements the recommendations of the Parliamentary Joint Committee on Intelligence and Security which, as I said earlier, did very fine work in reporting on this. There are some very important changes, and they have been well debated—for example, the dataset that has to be retained is now set out in the act as opposed to being a creature of regulation. There is a considerable amount of additional clarity. For example, the first block of amendments: provides that individuals will have the right to access their personal telecommunications data; prohibits civil litigants from being able to access this type of metadata that is held by a service provider solely for the purpose of complying with the mandatory retention regime; requires the intelligence and security committee to commence its review of the operation of the data retention scheme no later than two years after the end of the limitation period; and requires service providers to protect and encrypt telecommunications data that has been retained for the purpose of the mandatory data retention scheme.

Many of the other amendments are of a clarificatory or administrative nature, but they have all served very well to improve this bill. On behalf of the government, I again want to thank the committee—that was, as I said before, very ably chaired by the member for Wannon along with the deputy chairman, the member for Holt—for its work.

Mr DREYFUS (Isaacs—Deputy Manager of Opposition Business) (11:56): The federal opposition is determined to ensure that our national security and law enforcement agencies have the powers that are necessary to keep Australians safe. As well as defending our nation's security, Labor also strongly believes in the importance of upholding the rights and freedoms that define us as a democratic nation living under the rule of law. That is why the amendments to the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014 that are being introduced are so important.

The bill that was introduced into this House on 30 October last year had a number of significant shortcomings. Labor recognised that the bill could not be allowed to pass in the form it was introduced and insisted that the bill be sent to the Parliamentary Joint Committee on Intelligence and Security with sufficient time for there to be comprehensive scrutiny of the bill and public hearings. As a consequence of the intelligence committee process, 38
significant recommendations for improvements to the bill were made. The government has accepted all of them.

I join with the Minister for Communications in thanking all members of the Parliamentary Joint Committee on Intelligence and Security, particularly the chair, the member for Wannon, and the deputy chair, the member for Holt, for the joint work that was done, under some time pressure, to produce very significant improvements to the bill. I am sure the member for Blaxland, who with me was added to the committee for the purpose of this inquiry, would endorse those comments.

Significant recommendations that were made—all of which are now to be found in the amendments before the House—which are directed at better safeguarding the rights and privacy of Australians under the proposed scheme include: specifying the dataset required to be retained in the bill itself, rather than in regulations; limiting access to telecommunications data to enforcement agencies specifically listed in the bill; authorising ASIC and the ACCC to have access to telecommunications data to assist those agencies in the investigation and prosecution of white-collar crime; requiring telecommunications companies to provide customers access to their own telecommunications data upon request; requiring stored data to be encrypted to protect the security and the integrity of personal information; prohibiting access to retained data for the purposes of civil proceedings—for example, preventing its use in copyright infringement lawsuits; requiring a mandatory data breach notification scheme to ensure telecommunications companies notify consumers if the security of their telecommunications data is breached; increasing the resources of the Commonwealth Ombudsman to strengthen oversight of the mandatory data retention scheme; and, importantly, a mandatory review of the data retention scheme no later than four years from the commencement of the bill.

I would say in summary that these amendments are critically important to making this bill what it should be—a bill that will help our law enforcement and security agencies to make Australians safer but without compromising our rights and freedoms that we, as citizens of democracy living under the rule of law, must also defend. I want to reiterate what I said in this House about the context of this bill. Data retention is not new. Telecommunications data has been retained for many years in Australia, but it has been occurring in a largely unregulated manner by private companies across Australia. And the data that has been retained by private companies has been accessed under the current legislation, the Telecommunications (Interception and Access) Act 1979, by a large number of agencies, hundreds of thousands of times a year. However, while access to this data is often vital to their operations, technological changes and changing business practices of telecommunications providers mean that less data will be retained by some companies in the future. Given this context, Labor has approached this bill and the negotiations over its amendments as an opportunity to regulate and improve the efficacy of data retention for law enforcement and counterterrorism purposes while at the same time introducing safeguards that will greatly improve the transparency and accountability of both telecommunications data and access to that data.

Mr BANDT (Melbourne) (12:01): On the government's own admission, the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014 is a serious bill that alters the balance between government and individuals when it comes to their right to privacy. It also, on the government's own admission, gives new powers for collecting
information in a way that it has not been collected before and to an extent that it has not been collected before to effectively be stored now in one place or in several places and then be able to be accessed by a range of organisations. And on the government's own admission it is important that this bill, according to them, passes this parliament. So, given how serious this is, and given that, according to the opposition—who apparently has done a backroom deal with the government that they are now deigning to let everyone else see—there are a number of significant concerns with the original bill that needed to be amended, and given in the light of that that we saw for the first time a handful of minutes ago 30 pages of amendments with 74 separate amendments, and given the seriousness of this bill and what it will mean for individuals, what it will mean for people who use their smartphone and the internet without being suspected of having committed any crime whatsoever, then I ask the minister: will he defer and adjourn this debate to allow the parliament enough time to consider 30 pages of 74 amendments that have been seen by other members of this chamber for the first time a handful of minutes ago? Or, will the minister insist that this be rushed through now, without the chance for members of the crossbench—and who knows who else has seen it within the other parties—having the opportunity to scrutinise it? Will the minister insist on these amendments being passed right now, even though we have had only a handful of minutes to look at them? I ask the minister: will you adjourn this debate to allow the parliament sufficient time to scrutinise these amendments? The minister may say, 'Well, some of these amendments came out of the PJCIS report, so they shouldn't be news to anyone.' I would say to this that it is up to the parliament, surely, to work out whether what is in here matches what is in that committee's report, and we should have the opportunity to do that. I ask the minister whether he will adjourn the debate to allow us time to do that.

Mr TURNBULL (Wentworth—Minister for Communications) (12:04): In response to the member for Melbourne, the amendments that we are dealing with now, that I have just moved, faithfully implement the recommendations of the Parliamentary Joint Committee on Intelligence and Security, which reported in considerable detail on 27 February. The honourable member has had ample opportunity—and I know he has a keen interest in this area—to read that report and to discuss it with his colleagues in the Greens. It has been the subject of considerable publicity and debate. The amendments we are debating right now are a faithful implementation of a detailed report that has been widely debated and read for weeks, now, and the honourable member really should have no difficulty in dealing with these issues today.

Mr CLARE (Blaxland) (12:05): As I said in the second reading debate on the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014, this is complex and controversial legislation, and that is why it was appropriate that it be referred to the Parliamentary Joint Standing Committee on Intelligence and Security for proper consideration and proper investigation. The work the committee did demonstrated that the legislation in its original form is not good enough and that there do need to be substantial changes to it. And we do believe that the recommendations the committee made are faithfully represented in these amendments before the House now and that they substantially change this legislation. We believe that in its original form the legislation gives too much power to the Attorney-General to decide what metadata should be kept and who should have the rights to access it and does not provide sufficient oversight over the use or potential misuse of this
legislation. Therefore, we made 38 substantial recommendations in all, which are represented in something like 74 amendments that will be considered by the House now in two tranches.

In particular, it is recommended that the definition of metadata, or the dataset, should be in this legislation rather than left to regulation. That provides real certainty for telcos about what they should keep and what they do not have to keep. It is also recommended that it should be the parliament that decides which agencies should have the right to access this metadata, and that it not be left to government—to the Attorney-General—to decide by regulation.

It is recommended that the data itself should be encrypted to provide a higher level of security.

It is recommended that people should have the right to access their own data. This has been unclear in the past. It will be clear now because of this amendment. Once again, I just want to recognise that Telstra quite recently announced that it would do this, as of 1 April.

It is recommended that we establish, for the first time, a data breach notification system, so that if your data is hacked into you will be notified of it. The former Attorney-General, my friend Mark Dreyfus, introduced legislation to do this in the last parliament. On the prorogation of parliament, that lapsed. Now, because of this recommendation and the government's agreement to implement it, that will happen as well.

Extra resources are recommended for the Ombudsman. Oversight here is critical. If you give law enforcement agencies more power it is important that you also equally increase the oversight of those powers. The Ombudsman said that they are very able to do this work, but they need additional resources—about 12 additional staff, which will require about $2 million in the first year and about $1.65 million thereafter. We recommended that that occur, and the government has agreed to do that.

We also recommended that for the first time the Parliamentary Joint Standing Committee on Intelligence and Security should have the same sorts of powers that its equivalents in the United States and the UK have—the power to conduct investigations into the operations of national security agencies in respect of this legislation. This will now be possible for the first time. It is an important first step in the implementation of the John Faulkner reforms. His proposition, introduced into the Senate, was that this committee should have those powers with respect to national security agencies generally. We think that is an important reform, which we will continue to press for.

Finally, there is the issue of costs. This is important because this is not an inexpensive scheme. This is expensive. The PwC work shows a wide arc of potential cost between about $180 million and over $300 million. That work focuses on capex; we do not have specific details yet on opex. In the committee's work, we made the point that it is very important that, in the funding model that is developed, the government has special consideration for small ISPs—sometimes very small businesses that might have less capacity to implement this scheme than your Telstras of the world, or Optus or Vodafone. Quite legitimately, the Australian telco industry, represented by Communications Alliance, wrote a letter recently to the minister and to the Attorney-General asking that the government provide industry, the parliament and the wider community with a degree of certainty as to the size of the government's planned contribution and the planned methodology for apportioning those funds between CSPs of differing types and market shares. I think this is a valid point. Industry will
bear a significant proportion of this cost. The minister has indicated that the government will bear a substantial proportion of the cost, but a significant proportion will still be borne by industry—big and small. I seek the assistance of the minister in providing more information in this regard.

Mr HUSIC (Chifley) (12:10): I expressed a number of concerns yesterday in the substantive debate. I have no interest in traversing ground already travelled on. On the issue of cost, the minister is well aware of the concerns I expressed yesterday, and I re-express them today. They have also been given voice by the shadow minister. There are a number of things in relation to this. As the shadow minister for communications, the member for Blaxland, just indicated, the type of system changes that will be required by this legislation are significant. This will require a great investment, particularly when you consider the smaller providers. They do not necessarily have the resources of larger players to be able to accommodate these requests.

Also, some of the amendments that have been put forward in the process—that have rightly been reflected on in a very positive way—will require a greater degree of encryption, and that will require different standards. Some of the smaller players do not necessarily adhere to those standards, and they are rightly concerned.

I have also had expressed to me in the last few weeks a concern from smaller players. They say to me, 'The Attorney-General's Department believe that consultation with Telstra and Optus should represent all that is required when it comes to talking to the telecommunications sector.' The Attorney-General's Department may rightly point out that there is an industry working group and a lot of views are canvassed by that. I understand and appreciate their point, but it would be remiss, at this point in time, to ignore the argument that has been put forward by smaller players that says: 'Telecommunications consultation should not just be limited to Telstra and Optus. The smaller players should be taken into account.'

They feel that, in the course of this legislation being considered, their views are not being taken into account. That is a serious concern. If these costs do impact on them in such a way that it puts serious pressure on their operating future, that is of great concern, because they are providing the type of things that consumers want—competition and pressure on some of the big players to provide better service because of the existence of competition. I am very concerned that those smaller players will face an uncertain future as a result of the inability or the unwillingness of the government to actually spell out what will be done in terms of covering the up-front costs, the capex, and the ongoing running costs, the opex.

I know the minister is very alive to these issues, but I have to say the fact that there has not been greater certainty in terms of what costs might be covered is of concern. I also appreciate that the minister has only just got the PwC report, which I understand—and he can correct me if I am wrong—has not been widely discussed with the sector. It may be the case that it has and I am not aware of it, but I am told that that report has not been discussed in detail with the sector and there has not been a walk through. That is of concern. That certainly needs to be addressed.

I do appreciate that the government is trying to work out, based on the PwC work and the consultations with the IWG, where they will land on this. I would certainly urge that there be greater certainty. I know this matter will be debated in the other place, and it would be beneficial if the government were able to spell out where its thinking is on that.
I would also hope—and this was expressed by the shadow minister—that greater support can be provided for the smaller players to accommodate these changes. It may be the case that Telstra and Optus are in such a strong position with their systems that they can accommodate the transition relatively easily. But certainly I would hope that greater support is extended to those smaller players in meeting the capex, the up-front cost of establishment, and that there is some sort of signal given for opex as well. Overall, again, I know that the minister is alive to these issues, but I am concerned that we have had no signal given. The government made some big expenditure decisions yesterday on other matters that totalled $300 million, yet on this matter there has been no signal given as to what will be done to help those smaller players. I urge the government to give that signal and provide greater certainty to the sector.

Mr TURNBULL (Wentworth—Minister for Communications) (12:15): I will respond very briefly to the member for Chifley. This matter of costs is dealt with in recommendation 16 of the joint committee. The government is committed to paying a substantial portion of the capex, the implementation costs, for this data retention scheme. I made that very clear in the second reading speech. We will take into account each of the seven factors identified by the committee. They include, firstly, providing sufficient support for smaller service providers that do not have the same massive capital budgets that Telstra or Optus do, for example. Obviously operating costs once the system is set up will be reimbursed on a cost recovery basis, as is currently the case.

Mr BANDT (Melbourne) (12:16): I would like to get some clarity. Are we dealing with the amendments in two sets or in one set?

Mr Turnbull: Two.

Mr BANDT: Are the amendments that are being dealt with at the moment the ones coming out of the PJCIS report?

Mr Turnbull: Yes, that is correct.

Mr BANDT: Thank you. We just heard from various speakers, including speakers leading the charge from the opposition, that this is complex legislation and that the amendments that are being debated here came out of significant and lengthy examination by some people in this parliament of what is already a complex piece of legislation. Presumably the amendments are similarly complex. Despite that, we are being asked to vote on dozens of amendments on complex legislation, having seen them all for a matter of minutes and without the opportunity to even read them. You could not have even read through this sheet of amendments in the time since it was circulated let alone digested the amendments or formed a view about whether they adequately reflect the concerns coming out of PJCIS.

If this is something that, as the minister says, has been canvassed over several weeks on topics out there in the public realm that could have been discussed then these amendments could have been too. These amendments could likewise have been circulated with sufficient time in advance if that is how long they have been on the table and known. Why have they been kept under wraps until now? The minister and the opposition are essentially saying to us: 'Tony Abbott and Bill Shorten have done a handshake deal. Just trust us that these amendments do what we say they do.' On an issue as serious as giving security agencies additional rights and powers over people's smartphones and internet records, they are saying, 'Just trust us, because we did a deal last night. Even though we have been talking about this
for weeks and even though the report has been out for weeks, we would not deign to circulate these amendments to you so that you could form a view on them. Just trust us.'

That is not the way a parliament should be run at any time. It is especially not the way a parliament should be run when it comes to serious questions like these that everyone has admitted are serious. But it seems that the government and the opposition want to shotgun this through this place without any opportunity to consider these amendments. Our objection to that is strongly noted. If they want to do that, it says a lot about what they consider is the role of this place and what they think of the public, because the public have not had a chance to digest these amendments but their representatives are being asked to vote on them after a handful of minutes to consider them—not even enough time to read them.

Perhaps I can ask the minister for some detail about something that we do know about. Something that has been raised during the course of the debate is the question of civil suits. That was raised by the PJCIS as well. It has been said by some that this new regime will not give any information that will allow someone to be prosecuted for downloading Game of Thrones. Let's assume that that is right. Given the limited time to go through all of this, who knows whether that is true. You have Tony Abbott saying, 'Trust me.' Given as Labor reminds us continuously that you cannot trust the Prime Minister to say one thing before an election and then mean it afterwards and you cannot trust the Prime Minister's budget, why on earth would anyone trust him on this? Labor is prepared to, but we are not.

Let's just focus on this question of someone who downloads Game of Thrones. The minister tells us that such a person will not be prosecuted. What if a media company or someone else wants to sue that person? What if they want to sue someone for downloading something? Or what if they want to sue them about something completely different? What if it is not related to that? What if it is a suit between a company and an individual or a company and another company? Given that there will now be a massive honey pot of information that is going to be kept, can the minister tell us whether in these amendments or in the legislation there is rock-solid, shieldlike protection against anyone ever having this data disclosed in the process of a civil suit?

Mr Turnbull (Wentworth—Minister for Communications) (12:21): Amendments (39) and (40) will amend sections 280 and 281 of the Telecommunications Act. The effect is that service providers are no longer permitted to disclose telecommunications data either in response to a subpoena, a notice of disclosure or a court order or as a witness in civil proceedings where the data has been kept solely for the purpose of complying with the proposed new part 5-1A—that is, the new data retention regime—and the data is used or disclosed by the service provider only for that purpose; for a limited range of defined public interest purposes, such as to prevent a threat to life or to assist the telecommunications industry ombudsman in the consideration of a complaint; or for a purpose incidental to one or more of those purposes.

As the honourable member would be well aware, at the moment civil litigants currently do access call charge records, telephone records and dynamically allocated IP address records resolved to the account holders' names, and that is done for a whole variety of civil suit reasons. All of that is available now and there is no limitation on it whatsoever. So, in fact, the bill and the amendments that we are talking about now, which flowed from the committee's work, actually restricts the access of civil litigants to information of this kind.
Mr BANDT (Melbourne) (12:23): Could the minister advise the House whether, in these
amendments or elsewhere, attention has been paid to the location of storage of this metadata
and whether there will be a requirement that it is either done here or done overseas? Also,
what protections will be enforced on the ISP who is keeping this metadata, to ensure that it is
secure?

Mr TURNBULL (Wentworth—Minister for Communications) (12:24): I thank the
honourable member for his inquiry. There is no requirement in the bill or the amendments that
the data be stored inside Australia, although that is obviously a matter of some controversy
that is, as I understand it, going to be considered further by the committee. It may well be the
subject of an amendment in the Senate. Of course, the honourable member is talking about the
lack of consideration of these amendments, but there is another place in which his party is
quite amply represented, so there is plenty of scope for this legislation and his party's
concerns to be dealt with. So, yes, there is no provision that requires the server hosting that
data to be physically located in Australia.

Mr DREYFUS (Isaacs—Deputy Manager of Opposition Business) (12:25): On the last
point that was raised by the member for Melbourne, the issue of where data stored under this
mandatory data retention scheme is actually physically stored is a concern to Labor. It is
something we raised in the course of the deliberations of the committee, it is something that
has been raised publicly by a range of interested parties and, indeed, it is something that was
commented on publicly by the former Director-General of ASIO, a very eminent Director-
General of ASIO, David Irvine, just in the last few days, with David Irvine expressing his
own view that it was appropriate for data that is stored under this scheme to be stored in
Australia. I think he described himself as a 'cyber nationalist', but certainly expressing the
view that it was not appropriate that the storage of data be governed by some other country's
sovereign legislation but not be governed by our own. It is something that was not
appropriately able to be dealt with directly in this legislation that is before the House, because
there has been, under a process commenced by Labor in government, a process called the
telecommunications sector security reform, which will come to a conclusion. In his second
reading speech, at the commencement of parliamentary consideration of this bill, the Minister
for Communications noted that that process was coming to a conclusion and is likely to be
completed before the end of the implementation phase of this data retention scheme. Labor's
view is that this is an important matter, but that it is something that is more appropriately dealt
with as part of the larger reform known as the telecommunications sector security reform.
That was a reform investigated, commented on and recommended on by the intelligence
committee in its report in 2013. It will cover a much wider range of matters concerned with
telecommunications sector security than simply the question of storage of retained data.
Nevertheless, that telecommunications sector security reform process is the right place to deal
with this legislation, and following on from that is the right place to deal with the question of
location of storage. Labor intends to keep a very close eye on that process and, when that
matter comes before the parliament, we will certainly be insisting on onshore storage of data
retained under this scheme.

Mr BANDT (Melbourne) (12:28): There you have it. You ask a couple of questions about
amendments that you are given with a couple of minutes notice and it turns out that one of the
issues raised by the PJCIS about location of data is not, in fact, dealt with in these
amendments. The very serious question about whether all of this information that is collected is going to be stored in Australia under Australian laws or whether it is going to be stored somewhere else is not even dealt with. We have just been asked, not a few minutes ago, to be assured by the minister and the opposition representatives that everything that has been dealt with is covered in these amendments. I ask a couple of questions and it turns out that it is not. And who knows what else we would find out if we went through every one of these line by line. But we are not given the opportunity to do that because we are asked to vote on it straight away. But the very simple and serious question that people have been on notice about for a while, 'Where is this going to be stored and what are the protocols around it to ensure that it is stored safely?' is not even dealt with in here, despite us being assured a moment again that it will all be okay. And that is exactly why we are not willing, and nor should the parliament be willing, just to be a rubber stamp for a back-room deal that has been done, because who knows what else is in here.

In a similar vein, I ask the minister or anyone else who has been involved in the negotiations: what is there in these amendments or elsewhere about the destruction at the end of two years of this information that is being kept? What is the requirement that is going to be put on ISPs, and how will the government or the public be satisfied that this data has been destroyed at the end of the two years?

Mr Turnbull ( Wentworth—Minister for Communications) (12:30): I assume the honourable member is referring to recommendation 28, where the committee recommended:

…the Attorney-General's Department oversee a review of the adequacy of the existing destruction requirements that apply to documents or information disclosed pursuant to an authorisation …

The committee recommended the Attorney-General report to the parliament on the findings of that review. The government will conduct the review as recommended by the committee.

Mr Bandt ( Melbourne) (12:30): Another question, and it turns out there is not even anything in this legislation or these amendments to ensure that the data gets destroyed. Who knows where it is going to be kept and who knows how long they are going to keep it? There is nothing to say it is going to be destroyed. We are being asked to take this on faith and on face value with a few minutes' notice and to rush it through the parliament. What an appalling way to conduct such a significant piece of legislation! I ask, in another vein, when it comes to legal professional privilege, what protections will there be to ensure that a government agency does not get access to emails, or the content of emails or metadata that may be subject to legal professional privilege?

Mr Turnbull ( Wentworth—Minister for Communications) (12:31): The answer to that very simply is that the metadata dataset does not include the content of emails, so the honourable member is labouring under a misapprehension on that point. It is an issue that does not arise.

Mr Bandt (Melbourne) (12:31): It follows from that that if you contact a lawyer to seek information, the metadata that signals that you have contacted your lawyer to seek advice is presumably metadata that is going to be caught and the government gets access to that. The government will know you have sought legal advice about something or have spoken to a lawyer. Is that how this legislation operates?
Mr Turnbull (Wentworth—Minister for Communications) (12:32): The honourable member should be aware that the fact that you have had communications with a lawyer is not subject to legal professional privilege. The advice is what in most circumstances is subject to legal professional privilege. The fact that you have telephoned your lawyer at a certain time or a number that is in fact belonging to your lawyer is information that is held by telcos now. It can be accessed now. But the content of the telephone call or indeed the content of an email is expressly not covered—it is not retained by the telco at all and it is expressly not covered by this legislation.

If I could touch on something the honourable member raised earlier, just to provide a little bit more information, the committee considered it entirely appropriate for service providers to retain telecom data for longer than two years where they had a legitimate business purpose to do so or in accordance with another regulatory obligation, such as the Telecommunications Consumer Protection Code. The Privacy Act:

… provides a framework for the destruction of personal information where this information is no longer required under law or for a legitimate business purpose …

It requires service providers to destroy or de-identify information when it is no longer required for a legitimate purpose. Nothing in this current bill overrides or removes that obligation.

Mr Bandt (Melbourne) (12:33): It is apparent from a few moments' questioning that this set of amendments does not automatically implement every recommendation of the PJCIS or address the concerns that have been raised. We find out within a couple of questions that there are no restrictions on where the data is kept or impositions around the destruction of that beyond what the minister has just added. We are not prepared to take all of this on face value. The short period of time we have had to digest this limits any prospect for sensible debate in this place. I repeat the request that, given that we have just found out about the issue of data storage and destruction, for example, the minister reconsider pushing this legislation through this afternoon and give us further time to digest the amendments so that we can find out what else is in there and whether, in fact, the legislation gives effect to the recommendations.

Mr Dreyfus (Isaacs—Deputy Manager of Opposition Business) (12:34): I would say in respect of the remarks that have been made by the member for Melbourne that this set of amendments directly and faithfully gives effect to the 38 substantive recommendations made by the intelligence committee. One of the concerns that I have had throughout the debate about this proposed data retention scheme is the number of misconceptions and myths that have been put about about both the legislation and what might be involved, even after a lengthy report of the intelligence committee was delivered on 27 February.

The member for Melbourne and anyone else anywhere in Australia who is interested in this topic has had almost three weeks to read that very lengthy report of the intelligence committee. I am assuming that it is not intentional, but the comments of the member for Melbourne might have left the impression in respect of the two topics that he has chosen to ask questions about—restrictions on where the data is to be kept and the destruction of retained data—that in some way the amendments that have been brought before the House do not give effect to recommendations of the intelligence committee. The fact of the matter is that the intelligence committee did not make a recommendation in respect of restricting where the data be kept. It did in the body of the report discuss the issues raised, as I mentioned in my
earlier remarks. Those issues are a real concern expressed by members and expressed publicly by this side of the House, by Labor, that retained data should be stored in Australia. Certainly, the intelligence committee accepted that there is an ongoing process called the telecommunications sector security reform, which is going to deal with not only that question of where retained data should be kept but a whole range of other questions to do with telecommunications sector security.

On the question of the destruction of retained data, there is detailed consideration in the intelligence committee's report of the existing provisions of the Privacy Act which have been part of Australian law for many years that require private companies that are keeping personal information of Australians to keep that information for no longer than they require it for the business purpose for which they have collected it, and the same obligation applies to government—that government is not to keep personal information of Australians for longer than it is needed for the purpose for which it was collected—and at the end of that period it is to be destroyed or all personal identifiers removed from it.

I make those points because I would not want it thought that, in respect of either of the matters that the member for Melbourne has chosen to ask questions about, the government's amendments have not dealt in any way with the recommendations in the committee's report. Indeed, both those matters are going to be dealt with and kept very much under review and carefully attended to by Labor. Thank you.

Mr BANDT (Melbourne) (12:38): Briefly, in response to the member for Isaacs: wouldn't a simple way to allow us to be satisfied of that be to give us time to actually read the amendments?

The DEPUTY SPEAKER (Mr Mitchell): Was that a question to the minister?

Mr Bandt: No.

Mr TURNBULL (Wentworth—Minister for Communications) (12:38): This is very important legislation. This has been given very detailed consideration over a considerable time. The amendments we are discussing, as the honourable member for Isaacs has observed and as I have noted, do faithfully implement the recommendations of the committee. I commend these amendments to the House.

Question agreed to.

Mr TURNBULL (Wentworth—Minister for Communications) (12:39): by leave—I move government amendments (42) to (48):

(42) Schedule 1, page 17 (after line 2), at the end of Part 2, add:

6A After section 6DB

Insert:

6DC Part 4-1 issuing authorities

(1) The Minister may, by writing, appoint as a Part 4-1 issuing authority:

(a) a person who is:

(i) a judge of a court created by the Parliament; or

(iii) a magistrate;

and in relation to whom a consent under subsection (2) is in force; or

(b) a person who:
(i) holds an appointment to the Administrative Appeals Tribunal as Deputy President, full-time senior member, part-time senior member or member; and

(ii) is enrolled as a legal practitioner of a federal court or of the Supreme Court of a State or a Territory; and

(iii) has been enrolled for at least 5 years.

(2) A person who is:

(a) a judge of a court created by the Parliament; or

(b) a magistrate;

may, by writing, consent to be appointed by the Minister under subsection (1).

(3) A person's appointment ceases to have effect if:

(a) the person ceases to be a person whom the Minister could appoint under this section; or

(b) the Minister, by writing, revokes the appointment.

(4) A Part 4-1 issuing authority has, in relation to the performance or exercise of a function or power conferred on a Part 4-1 issuing authority by this Act, the same protection and immunity as a Justice of the High Court has in relation to proceedings in the High Court.

(43) Schedule 1, page 17 (after proposed item 6A), at the end of Part 2, add:

6B Section 64 (heading)

Repeal the heading, substitute:

64 Dealing in connection with Organisation's or Inspector-General's functions

6C Subsection 64(1)

After "its functions", insert "or the performance by the Inspector-General of Intelligence and Security of his or her functions".

6D Subsection 64(2)

Repeal the subsection, substitute:

(2) A person, being the Director-General of Security or an ASIO employee, ASIO affiliate or IGIS official, may:

(a) in connection with the performance by the Organisation of its functions; or

(b) in connection with the performance by the Inspector-General of Intelligence and Security of his or her functions;

communicate to another such person, make use of, or make a record of, foreign intelligence information.

(44) Schedule 1, page 17 (after proposed item 6D), at the end of Part 2, add:

6E Paragraph 176(5)(b)

Repeal the paragraph, substitute:

(b) unless it is revoked earlier, ends at the time specified in the authorisation, which must be a time that:

(i) is no later than the end of the period of 90 days beginning on the day the authorisation is made; and

(ii) if the authorisation is made under a journalist information warrant—is no later than the end of the period specified under section 180N as the period for which the warrant is to remain in force.

6F Subsection 176(6)

Repeal the subsection, substitute:
Revoking the authorisation

(6) An eligible person must revoke the authorisation if:

(a) he or she is satisfied that the disclosure is no longer required; or

(b) in a case where the authorisation is made under a journalist information warrant:

(i) the warrant is revoked under subsection 180N(1); or

(ii) the Director-General of Security has informed the Minister under section 180P that the Director-General is satisfied that the grounds on which the warrant was issued have ceased to exist.

Note: Section 184 deals with notification of authorisations.

(45) Schedule 1, page 17 (after proposed item 6F), at the end of Part 2, add:

6G Paragraph 180(6)(b)

Repeal the paragraph, substitute:

(b) unless it is revoked earlier, ends at the time specified in the authorisation, which must be a time that:

(i) is no later than the end of the period of 45 days beginning on the day the authorisation is made; and

(ii) if the authorisation is made under a journalist information warrant—is no later than the end of the period specified under subsection 180U(3) as the period for which the warrant is to remain in force.

6H Subsection 180(7)

Repeal the subsection, substitute:

Revoking the authorisation

(7) An authorised officer of the criminal law-enforcement agency must revoke the authorisation if:

(a) he or she is satisfied that the disclosure is no longer required; or

(b) in a case where the authorisation is made under a journalist information warrant—the warrant is revoked under subsection 180W(1).

Note: Section 184 deals with notification of authorisations.

(46) Schedule 1, page 17 (after proposed item 6H), at the end of Part 2, add:

6J Section 180F

Omit "have regard to whether any interference with the privacy of any person or persons that may result from the disclosure or use is justifiable", substitute "be satisfied on reasonable grounds that any interference with the privacy of any person or persons that may result from the disclosure or use is justifiable and proportionate".

6K Before paragraph 180F(a)

Insert:

(aa) the gravity of any conduct in relation to which the authorisation is sought, including:

(i) the seriousness of any offence in relation to which the authorisation is sought; and

(ii) the seriousness of any pecuniary penalty in relation to which the authorisation is sought; and

(iii) the seriousness of any protection of the public revenue in relation to which the authorisation is sought; and

(iv) whether the authorisation is sought for the purposes of finding a missing person;

(47) Schedule 1, page 17 (after proposed item 6K), at the end of Part 2, add:
After Division 4B of Part 4-1

Insert:

Division 4C—Journalist information warrants

Subdivision A—The requirement for journalist information warrants

180G The Organisation

(1) An eligible person (within the meaning of subsection 175(2) or 176(2), as the case requires) must not make an authorisation under Division 3 that would authorise the disclosure of information or documents relating to a particular person if:

(a) the eligible person knows or reasonably believes that particular person to be:

(i) a person who is working in a professional capacity as a journalist; or

(ii) an employer of such a person; and

(b) a purpose of making the authorisation would be to identify another person whom the eligible person knows or reasonably believes to be a source;

unless a journalist information warrant is in force in relation to that particular person.

(2) Nothing in this section affects by implication the kind of person in relation to whom a warrant (other than a journalist information warrant) may be issued under this Act.

180H Enforcement agencies

(1) An authorised officer of an enforcement agency must not make an authorisation under section 178, 178A, 179 or 180 that would authorise the disclosure of information or documents relating to a particular person if:

(a) the authorised officer knows or reasonably believes that particular person to be:

(i) a person who is working in a professional capacity as a journalist; or

(ii) an employer of such a person; and

(b) a purpose of making the authorisation would be to identify another person whom the authorised officer knows or reasonably believes to be a source;

unless a journalist information warrant is in force, in relation to that particular person, under which authorised officers of the agency may make authorisations under that section.

(2) An authorised officer of the Australian Federal Police must not make an authorisation under Division 4A that would authorise the disclosure of information or documents relating to a particular person if:

(a) the authorised officer knows or reasonably believes that particular person to be:

(i) a person who is working in a professional capacity as a journalist; or

(ii) an employer of such a person; and

(b) a purpose of making the authorisation would be to identify another person whom the authorised officer knows or reasonably believes to be a source.

(3) Nothing in this section affects by implication the kind of person in relation to whom a warrant (other than a journalist information warrant) may be issued under this Act.

Subdivision B—Issuing journalist information warrants to the Organisation

180J Requesting a journalist information warrant

(1) The Director-General of Security may request the Minister to issue a journalist information warrant in relation to a particular person.
(2) The request must specify the facts and other grounds on which the Director-General considers it necessary that the warrant be issued.

180K Further information

(1) The Minister may require the Director-General of Security to give to the Minister, within the period specified in the requirement, further information in connection with a request under this Subdivision.

(2) If the Director-General breaches the requirement, the Minister may:
   (a) refuse to consider the request; or
   (b) refuse to take any action, or any further action, in relation to the request.

180L Issuing a journalist information warrant

(1) After considering a request under section 180J, the Minister must:
   (a) issue a journalist information warrant that authorises the making of authorisations under Division 3 in relation to the particular person to which the request relates; or
   (b) refuse to issue a journalist information warrant.

(2) The Minister must not issue a journalist information warrant unless the Minister is satisfied that:
   (a) the Organisation’s functions would extend to the making of authorisations under Division 3 in relation to the particular person; and
   (b) the public interest in issuing the warrant outweighs the public interest in protecting the confidentiality of the identity of the source in connection with whom authorisations would be made under the authority of the warrant, having regard to:
      (i) the extent to which the privacy of any person or persons would be likely to be interfered with by the disclosure of information or documents under authorisations that are likely to be made under the authority of the warrant; and
      (ii) the gravity of the matter in relation to which the warrant is sought; and
      (iii) the extent to which that information or those documents would be likely to assist in the performance of the Organisation’s functions; and
      (iv) whether reasonable attempts have been made to obtain the information or documents by other means; and
      (v) any submissions made by a Public Interest Advocate under section 180X; and
      (vi) any other matters the Minister considers relevant.

(3) A journalist information warrant issued under this section may specify conditions or restrictions relating to making authorisations under the authority of the warrant.

180M Issuing a journalist information warrant in an emergency

(1) The Director-General of Security may issue a journalist information warrant in relation to a particular person if:
   (a) a request under section 180J has been made for the issue of a journalist information warrant in relation to the particular person; and
   (b) the Minister has not, to the knowledge of the Director-General, made a decision under section 180L in relation to the request; and
   (c) within the preceding period of 3 months:
      (i) the Minister has not refused to issue a journalist information warrant in relation to the particular person; and
      (ii) the Director-General has not issued such a journalist information warrant; and
(d) the Director-General is satisfied that, security will be, or is likely to be, seriously prejudiced if the
access to which the request relates does not begin before a journalist information warrant can be issued
and made available by the Minister; and

(e) either:

(i) the issuing of the warrant is authorised under subsection (3); or

(ii) the Director-General is satisfied that none of the Ministers specified in subsection (4) is
readily available or contactable.

(2) The Director-General must not issue a journalist information warrant unless the Director-General
is satisfied as to the matters set out in paragraphs 180L(2)(a) and (b).

Authorisation to issue a warrant under this section

(3) A Minister specified in subsection (4) may, if he or she is satisfied as to the matters set out in
paragraphs 180L(2)(a) and (b), orally give an authorisation under this subsection for the
Director-General to issue the warrant under this section.

(4) The Ministers who may orally give an authorisation are:

(a) the Minister; or

(b) if the Director-General is satisfied that the Minister is not readily available or contactable—any
of the following Ministers:

(i) the Prime Minister;

(ii) the Defence Minister;

(iii) the Foreign Affairs Minister.

(5) The authorisation may specify conditions or restrictions relating to issuing the warrant.

(6) The Director-General must ensure that a written record of an authorisation given under
subsection (3) is made as soon as practicable (but no later than 48 hours) after the authorisation is given.

Duration of a warrant under this section

(7) A journalist information warrant under this section must specify the period (not exceeding 48
hours) for which it is to remain in force. The Minister may revoke the warrant at any time before the
end of the specified period.

Copies of warrant and other documents

(8) Immediately after issuing a journalist information warrant under this section, the
Director-General must give the Minister:

(a) a copy of the warrant; and

(b) a statement of the grounds on which the warrant was issued; and

(c) either:

(i) a copy of the record made under subsection (6); or

(ii) if the Director-General was satisfied as mentioned in subparagraph (1)(e)(ii)—a summary of
the facts of the case justifying issuing the warrant.

(9) Within 3 business days after issuing a journalist information warrant under this section, the
Director-General must give the Inspector-General of Intelligence and Security:

(a) a copy of the warrant; and

(b) either:

(i) a copy of the record made under subsection (6); or
(ii) if the Director-General was satisfied as mentioned in subparagraph (1)(e)(ii)—a summary of the facts of the case justifying issuing the warrant.

(10) Subsection (9) has effect despite subsection 185D(1).

180N Duration of a journalist information warrant

A journalist information warrant issued under section 180L must specify the period (not exceeding 6 months) for which it is to remain in force. The Minister may revoke the warrant at any time before the end of the specified period.

180P Discontinuance of authorisations before expiry of a journalist information warrant

If, before a journalist information warrant issued under this Subdivision ceases to be in force, the Director-General of Security is satisfied that the grounds on which the warrant was issued have ceased to exist, he or she must:

(a) forthwith inform the Minister accordingly; and

(b) takes such steps as are necessary to ensure that the making of authorisations under the authority of the warrant is discontinued.

Subdivision C—Issuing journalist information warrants to enforcement agencies

180Q Enforcement agency may apply for a journalist information warrant

(1) An enforcement agency may apply to a Part 4-1 issuing authority for a journalist information warrant in relation to a particular person.

(2) The application must be made on the agency's behalf by:

(a) if the agency is referred to in subsection 39(2)—a person referred to in that subsection in relation to that agency; or

(b) otherwise:

(i) the chief officer of the agency; or

(ii) an officer of the agency (by whatever name called) who holds, or is acting in, an office or position in the agency nominated under subsection (3).

(3) The chief officer of the agency may, in writing, nominate for the purposes of subparagraph (2)(b)(ii) an office or position in the agency that is involved in the management of the agency.

(4) A nomination under subsection (3) is not a legislative instrument.

(5) The application may be made in writing or in any other form.

Note: The Electronic Transactions Act 1999 deals with giving information in writing by means of an electronic communication.

180R Further information

(1) The Part 4-1 issuing authority may require:

(a) in any case—the chief officer of the agency; or

(b) if the application is made, on the agency's behalf, by a person other than the chief officer—that other person;

to give to the Part 4-1 issuing authority, within the period and in the form specified in the requirement, further information in connection with the application.

(2) If the chief officer or other person breaches the requirement, the Part 4-1 issuing authority may:

(a) refuse to consider the application; or

(b) refuse to take any action, or any further action, in relation to the application.
180S Oaths and affirmations

(1) Information given to the Part 4-1 issuing authority in connection with the application must be verified on oath or affirmation.

(2) For the purposes of this section, the Part 4-1 issuing authority may:
   (a) administer an oath or affirmation; or
   (b) authorise another person to administer an oath or affirmation.

The oath or affirmation may be administered in person, or by telephone, video call, video link or audio link.

180T Issuing a journalist information warrant

(1) After considering an application under section 180Q, the Part 4-1 issuing authority must:
   (a) issue a journalist information warrant that authorises the making of authorisations under one or more of sections 178, 178A, 179 and 180 in relation to the particular person to which the application relates; or
   (b) refuse to issue a journalist information warrant.

(2) The Part 4-1 issuing authority must not issue a journalist information warrant unless the Part 4-1 issuing authority is satisfied that:
   (a) the warrant is reasonably necessary for whichever of the following purposes are applicable:
       (i) if the warrant would authorise the making of authorisations under section 178—for the enforcement of the criminal law;
       (ii) if the warrant would authorise the making of authorisations under section 178A—finding a person who the Australian Federal Police, or a Police Force of a State, has been notified is missing;
       (iii) if the warrant would authorise the making of authorisations under section 179—the enforcement of a law imposing a pecuniary penalty or for the protection of the public revenue;
       (iv) if the warrant would authorise the making of authorisations under section 180—the investigation of an offence of a kind referred to in subsection 180(4); and
   (b) the public interest in issuing the warrant outweighs the public interest in protecting the confidentiality of the identity of the source in connection with whom authorisations would be made under the authority of the warrant, having regard to:
       (i) the extent to which the privacy of any person or persons would be likely to be interfered with by the disclosure of information or documents under authorisations that are likely to be made under the authority of the warrant; and
       (ii) the gravity of the matter in relation to which the warrant is sought; and
       (iii) the extent to which that information or those documents would be likely to assist in relation to that matter; and
       (iv) whether reasonable attempts have been made to obtain the information or documents by other means; and
       (v) any submissions made by a Public Interest Advocate under section 180X; and
       (vi) any other matters the Part 4-1 issuing authority considers relevant.

180U Form and content of a journalist information warrant

(1) A journalist information warrant issued under this Subdivision must be in accordance with the prescribed form and must be signed by the Part 4-1 issuing authority who issues it.

(2) A journalist information warrant issued under this Subdivision may specify conditions or restrictions relating to making authorisations under the authority of the warrant.
(3) A journalist information warrant issued under this Subdivision must specify, as the period for which it is to be in force, a period of up to 90 days.

(4) A Part 4-1 issuing authority must not vary a journalist information warrant issued under this Subdivision by extending the period for which it is to be in force.

(5) Neither of subsections (3) and (4) prevents the issue of a further warrant under this Act in relation to a person, in relation to which a warrant under this Act has, or warrants under this Act have, previously been issued.

180V Entry into force of a journalist information warrant

A journalist information warrant issued under this Subdivision comes into force when it is issued.

180W Revocation of a journalist information warrant by chief officer

(1) The chief officer of an enforcement agency:

(a) may, at any time, by signed writing, revoke a journalist information warrant issued under this Subdivision to the agency; and

(b) must do so, if he or she is satisfied that the grounds on which the warrant was issued to the agency have ceased to exist.

(2) The chief officer of an enforcement agency may delegate his or her power under paragraph (1)(a) to a certifying officer of the agency.

Subdivision D—Miscellaneous

180X Public Interest Advocates

(1) The Prime Minister shall declare, in writing, one or more persons to be Public Interest Advocates.

(2) A Public Interest Advocate may make submissions:

(a) to the Minister about matters relevant to:

(i) a decision to issue, or refuse to issue, a journalist information warrant under section 180L; or

(ii) a decision about the conditions or restrictions (if any) that are to be specified in such a warrant; or

(b) to a Part 4-1 issuing authority about matters relevant to:

(i) a decision to issue, or refuse to issue, the warrant under section 180T; or

(ii) a decision about the conditions or restrictions (if any) that are to be specified in such a warrant; or

(3) The regulations may prescribe matters relating to the performance of the role of a Public Interest Advocate.

(4) A declaration under subsection (1) is not a legislative instrument.

(48) Schedule 1, page 17 (after proposed item 6L), at the end of Part 2, add:

6M After subparagraph 181A(3)(b)(i)

Insert:

(iia) to enable a person to comply with his or her obligations under section 185D or 185E; or

6N After paragraph 181A(3)(b)

Insert:

; or (c) the disclosure is:
(i) to an IGIS official for the purpose of the Inspector-General of Intelligence and Security exercising powers, or performing functions or duties, under the Inspector-General of Intelligence and Security Act 1986; or

(ii) by an IGIS official in connection with the IGIS official exercising powers, or performing functions or duties, under that Act.

6P After subparagraph 181A(6)(b)(i)
Insert:

(iia) to enable a person to comply with his or her obligations under section 185D or 185E; or

6Q After paragraph 181A(6)(b)
Insert:

; or (c) the use is by an IGIS official in connection with the IGIS official exercising powers, or performing functions or duties, under the Inspector-General of Intelligence and Security Act 1986.

These amendments will amend the bill to create a scheme that will require ASIO and the enforcement agencies, the police, to obtain a warrant prior to authorising the disclosure of telecommunications data to identify a journalist's source. The new warrant will be named the journalist information warrant. Agencies will no longer be able to make an internal authorisation to require the disclosure of telecommunications data of journalists for the purpose of identifying a source.

The warrants will be issued by an independent issuing authority which, in the case of the enforcement agencies—typically the police—will be a judge, a magistrate or a member of the Administrative Appeals Tribunal; and, in the case of ASIO, will be the relevant minister, the Attorney-General. That independent issuing authority must be satisfied that the public interest in the issuing of the warrant outweighs the public interest in protecting the confidentiality of the identity of the journalist's source. These tests recognise that journalists have a duty to protect their sources' identities and should take care to do so, but the legal protections that flow from that duty are not absolute. The protection can be overruled if other public interests outweigh the public interest in protecting a source's identity.

In relation to metadata specifically, journalist's privilege has never prohibited the police from investigating criminal offences committed by a journalist or their source, by using investigative methods that do not involve direct compulsion of the journalist themselves.

Further, this new warrant scheme will have the same protections, safeguards and oversights that apply to agencies when they obtain telecommunications interception warrants. The features of that scheme include creating new, independent issuing authorities, as I have discussed; and, importantly, creating a new post of public interest advocates. I refer the honourable member to section 180X, which is in the list of government amendments here at about page 21:

The Prime Minister shall declare, in writing, one or more persons to be Public Interest Advocates.

A public interest advocate's role will be, in the event of an application being made either to the minister by ASIO or to a judge or magistrate by the police, to make submissions to the issuing authority relevant to—and I am reading from new section 180X:

(i) a decision to issue, or refuse to issue, a journalist information warrant under section 180L; or

(ii) a decision about the conditions or restrictions (if any) that are to be specified in such a warrant …
This is an important safeguard. It provides very substantial additional protection to ensure that
the public interest in protecting a journalist's source will be taken into account very carefully
by the issuing authority, and he or she will be reminded of the importance of those issues and
their relevance to the particular case at hand by the public interest advocate. I commend these
amendments to the House.

Mr DREYFUS (Isaacs—Deputy Manager of Opposition Business) (12:43): A critical
matter of concern to Labor was the potential for the bill, in the form in which it was
introduced by the Abbott government, to stifle freedom of the press. A number of working
journalists and their organisations have expressed legitimate concerns that the data retention
scheme as proposed by the government would compromise the anonymity of journalists'
sources. Labor have been clear that we share the concerns expressed by journalists. The
Leader of the Opposition wrote to the Prime Minister, making clear that Labor believe that the
relationship between journalists and their sources should be protected by warrant and that this
important matter needed to be progressed.

Although the Attorney-General suggested several times this week that the concerns of the
journalists were misguided, at one stage describing those concerns as 'a red herring', the
government has agreed to Labor's demand to put in place a warrant system to protect
journalists' sources. Labor has been working to negotiate a warrant scheme to protect freedom
of the press, and I am pleased that the scheme has now been agreed and is the subject of this
group of amendments before the House.

The key aspects of the framework to protect journalists' sources are as follows. Agencies
seeking access to retained data will be prohibited from accessing telecommunications data to
identify a journalist's source unless that agency obtains a journalist information warrant.
There will be a statutory presumption against issuing a journalist information warrant.
Agencies must establish that the public interest in issuing the warrant outweighs the public
interest in protecting the confidentiality of the identity of the journalist's source, having regard
to matters including the extent to which the personal privacy of individuals would be
interfered with, the gravity of the matter in relation to which the warrant is being sought, the
extent to which the information being sought would assist the agency seeking it to perform its
functions, whether the agency has made reasonable attempts to obtain the information sought
by other means, and any submissions made by the public interest advocate.

This last point is of particular importance and I will say a little bit about the public interest
advocate, because the public interest advocate will play a critically important role in the
protection of journalists' sources. The public interest advocate will speak for the matters of
public interest that are to be taken into account in any decision as to whether or not to issue a
journalist information warrant. The amendments provide that the Prime Minister 'shall'
appoint a public interest advocate. For the avoidance of any doubt, the government has
committed to appoint a public interest advocate, because that advocate, as I have said, central
to the operation of the warrant system to protect freedom of the press in the context of the
data retention scheme. I must say that I am a little puzzled about the government's choice of
the word 'shall', given that the Office of Parliamentary Counsel's Plain English Manual says
that 'must' should be used in preference to 'shall' because 'shall' is ambiguous. If there is any
doubt created by using the word 'shall', let me remove it by saying that this legislation will
oblige the Prime Minister to appoint one or more public interest advocates.
The public interest advocate is to be notified whenever an application for a journalist protection warrant is made. The public interest advocate is charged with responsibility to, in effect, stand in the shoes of the journalist and argue the public interest issues relevant to preserving the confidentiality of a journalist's sources in relation to a particular warrant application. Labor expects that the public interest advocate will be a very senior lawyer or lawyers appointed within the Prime Minister and Cabinet portfolio, similar to the existing arrangements for the Independent National Security Legislation Monitor. If a warrant is issued, the Inspector-General of Intelligence and Security or the Ombudsman—depending on which agency has obtained the warrant—and the Parliamentary Joint Committee on Intelligence and Security must be notified as soon as practicable. The intelligence committee will be empowered to order the IGIS or the Ombudsman to provide a briefing on the issuing of the warrant. I commend this scheme for journalist information warrants, which will provide protection in respect of journalists' sources and thus provide some protection for freedom of the press, to the House.

**Mr CLARE** (Blaxland) (12:48): These are important amendments which have resulted after a lot of hard work after a lot of disagreement. As the member for Isaacs said, this is an area where the Parliamentary Joint Standing Committee on Intelligence and Security could not agree. Labor members argued that a warrant was necessary for law enforcement and security agencies to get access to a journalist's metadata for the purposes of identifying their source. Liberal members did not agree. We believe that it is important that a warrant should be required, because we believe that journalists are special, that journalists are different. As I said in the second reading debate, the privacy of journalists' sources is integral to the freedom of the press. It is why shield laws exist for journalists. It is important, because sometimes it is journalists who are investigating law enforcement. To this point, the United Kingdom recently passed legislation enacting a code of practice, which will come into effect before their election, to create a warrant based process before law enforcement can get access to a journalist's metadata for the purposes of identifying their source—and they have done it for good reason. Work that has been conducted in the United Kingdom has identified where law enforcement access to journalist metadata has been misused and has identified that this is a necessary check. Karen Bradley, the Minister for Organised Crime in the UK, recently said:

> We accept that journalists are a special case because, for example, in investigating a leak, determining who spoke to whom may be more important than what was said, but the same argument does not apply to other sensitive professions.

That is why we have been adamant, consistent and insistent that a warrant is necessary if law enforcement or national security agencies want to get access to a journalists' metadata.

Thankfully, finally, the Prime Minister backed down on this on Monday. He did that after a letter from the Leader of the Opposition on the weekend that said, 'We will listen very carefully to the evidence that is to be given tomorrow at a hearing of the committee by the chief executive officers of News Limited, Fairfax, Channel 9, Channel 10, Channel 7, ABC and SBS and we reserve our right to move amendments in the Senate.' I think the threat of those individuals attacking the Prime Minister and the absence of this amendment in this legislation was enough to force him to back down.

As I said on Tuesday morning, we also believe that this warrant must not be just a tick and flick. After a lot of hard work, we have got amendments in this legislation which I believe
now meet that test. I draw the House's attention to two key elements of this warrant process. The first is the establishment, for the first time, of a public interest advocate, and the second is a standard that the judge will need to be satisfied of before they can grant a warrant. In respect of the first, the establishment of a public interest advocate, as the minister and the shadow Attorney-General have said, this creates an independent voice in the court acting for the public interest, and it is a critical part of making sure that this is not a tick-and-flick approach. It is based on the public interest monitor system that exists in Queensland and Victoria. It has existed for 20 years in Queensland with respect to listening device warrants and for five years in Queensland with respect to phone taps. It would be a senior barrister in private practice that would fulfil this role.

In understanding how important this provision is, I draw members' attention to an opinion piece written by Terry O'Gorman, the president of the Australian Council for Civil Liberties, in *The Australian*, in June 2011 entitled 'We need more accountability for phone taps to guard civil liberties'. In arguing the case for a similar regime in Victoria at that time, he said that there should be a similar type of model in all states and territories, including for federal law enforcement agencies. He said:

> The Queensland PIM has worked well for more than 15 years. It is an accountability measure that should be introduced Australia-wide.

I think that demonstrates the seriousness of this role and the role that it provides in making sure that this is not a tick-and-flick approach.

I also draw members' attention to the proposed section 180T(2)(b), which states:

>b) the public interest in issuing the warrant outweighs the public interest in protecting the confidentiality of the identity of the source in connection with whom authorisations would be made under the authority of the warrant …

This is the key test that the judge needs to be satisfied of and provides an assurance that this is not a tick-and-flick warrant process. (Time expired)

Mr WILKIE (Denison) (12:53): I have a comment and a question for the minister. I am the first to agree that journalists should have some level of protection. They should have some certainty that they can keep their sources confidential, particularly when it comes to national security articles they might be working on. In fact, the minister would remember that, early in the 43rd Parliament, I progressed successfully the so-called shield laws to give journalists greater protection as far as ensuring that they could keep their sources confidential.

The issue here is not so much that journalists need extra protection; the issue is why don't other people have greater protection? For example, why would we say that it is important for a journalist to keep private the name of a source, but yet it is not important for a lawyer for instance—or perhaps a judge or a medical professional—to keep private the fact that he or she had a communication with someone? Some in this place would even argue that a priest should be able to reliably keep confidential the names of the people that they might deal with. What about members of parliament, who might be approached by someone in the community on a very, very sensitive matter? That member of the community would feel that their identity must be reliably kept confidential.

The point is that there are lots of people in the community who have an equally legitimate need to have their identity kept secret in certain circumstances, for very good reasons and for
reasons equally as good as a journalist. In fact, in my personal opinion, I think warrants should be required for the security services to access metadata in any case, for any person. We know that already the security services are accessing metadata hundreds of thousands of times. Every time they access metadata, they are effectively searching someone's private property. We accept in the community that, when it comes to the search of private property, it is entirely proper that the security services should get a warrant if they are going to go into someone's house or search someone's property. So why is this different?

As I made perfectly clear in my speech to this bill in this place yesterday: this is a missed opportunity. It is a missed opportunity to examine the need to give protection to all members of the community. I can see no good reason why this bill should not require warrants for any access of metadata, for any purpose, for any person. Yes, that would slow things up. I accept that that would make it more difficult for the security services. But the point that I made yesterday, and I make it again, is that because it would be a bit more difficult, because there would be a bit more of a tension in the process, the security services would be reluctant to just ask for information at the drop of a hat. The number of times that metadata is accessed would fall dramatically because the security services would find it, frankly, an emburrance. They would focus just on the people that they really need to focus on, and they would not be accessing metadata on a whim, which I have no doubt occurs at the moment. Because at the moment and if this bill becomes law, for everyone except journalists, it will be just so easy for any security service officer to pick up the phone, ring up Telstra, Optus, Vodafone or whoever, and ask, 'What have you got on Harry Bloggs?' There will be next to nothing to put any sort of impediment in the way of that going on.

By the way, I do not accept the minister's answer that there is no, and should be no, protection or confidentiality when a lawyer speaks to a client or someone who might be a client, but that is not the point here. The point here is that we accept that journalists should be able to keep private that they are in contact with someone, surely that should be extended to lawyers. My question to the minister is: what is so special about journalists that only they get protection, not lawyers, not doctors, not members of parliament, and not priests perhaps, as would be view of some people? Why can't we all have protection? (Time expired)

Mr Turnbull (Wentworth—Minister for Communications) (12:58): In response to the honourable member's question, I can only concur with the remarks of the junior minister Karen Bradley in the UK, who was answering this very same question, as the member for Blaxland referred to earlier, and who made the point: We accept that journalists are a special case because, for example, in investigating a leak, determining who spoke to whom may be more important than what was said, but the same argument does not apply to other sensitive professions.

The important point there is that the privilege that attaches to lawyers' advice, or the privilege that attaches to a priest's discussion with someone who is making their confession, attaches to the content, and the content is not dealt with here. We are literally only talking about the metadata, which—relevantly, in the circumstances we are talking about now—would indicate that telephone A called telephone number B at a particular time. There is no privilege attaching to that at all. There never has been.

This issue is that journalists have a special role in terms of their need to protect their communications with informants, otherwise they cannot do their work. I can say more about
the extraordinary qualifications and virtues of journalists but, given my previous occupation, that might be seen as self-serving.

Mr WILKIE (Denison) (13:00): Thank you, Minister, for that answer. What then of someone ringing up their member of parliament? That could be every bit as important, and just as relevant, as the case of a journalist. Let's say someone rings me up or rings you up and reports wrongdoing. You or I would stand up in the chamber on the next sitting day and take the opportunity that this place provides to ventilate those concerns. Shouldn't that source be protected in the same way as journalists' sources would be given protection?

Mr TURNBULL (Wentworth—Minister for Communications) (13:01): I thank the honourable member. I come back to the point that I made earlier. The content of the conversation—the content of an email or a text message—is not the subject of this legislation; it is purely the record. I just remind the honourable member for Denison that these records are there now. They cannot be accessed by the police out of idle curiosity. It has to be in the context of investigating the commission of a crime and so forth. I am sure the honourable member is well aware of this.

If there were an investigation of a crime that required examination of metadata that might include telephone records between a member of parliament or somebody else, that information is available now and is being accessed now. The rationale the member is advancing in that example would basically mean that the whole system of access to metadata would grind to a halt. We have special protections in this bill for journalists, given their special role.

I do not want to overdo the lavish praise for journalists and journalism but we cannot get away from the fact that the work journalists do is as important as anything the honourable member and I do—or any of our colleagues do. It is absolutely critical in their ability to access information confidentially and to protect their sources. I repeat that it is the journalist's job to protect his or her sources and they should take every care to do so; and their employer should ensure that they take care to do so.

There is a vital public interest in ensuring that we have a free and robust press. We all feel the lash, from time to time, and we all feel we have been mistreated and misunderstood, but we will not have a democracy without a free and fearless and independent press. So it is very important to recognise that journalists sit in a different situation.

Mr WILKIE (Denison) (13:03): I am sorry, Minister, that I am labouring this point. An observer might think it a bit self-indulgent that members of parliament are talking about the need for greater protection for members of parliament, but I am only using the example of you and me—or someone in this place—because I think it is a very helpful way of understanding a flaw in the bill.

The amendment accepts—and I agree—that journalists have a very important role to publicise wrongdoing. I agree with you. It is legitimate that journalists should have protection. But in what the government is trying to achieve here, with the support of the opposition, the logic is breaking down somewhere. If we agree that journalists should have protection so that they can effectively publicise wrongdoing, then surely my standing up here and ventilating a concern expressed to me privately by a constituent about, say, misconduct in a Public Service
department, is equally important. And that source of information surely should have the same protection as the source who might go to a journalist instead.

For example, let's say someone rings me up from the Department of Veterans' Affairs this afternoon and tells me of a serious wrongdoing in DVA. If I think, 'Okay, that's very important,' I might jump up here next Monday and take the opportunity afforded me to describe that wrongdoing in DVA. The chances are that someone, somewhere is going to ask who made a call from a DVA number to my number today. I am sure you can see what I am getting at. It is an example. Why shouldn't the source of information in DVA—in that example—have just as much protection as someone who might have gone to a journalist?

Mr TURNBULL (Wentworth—Minister for Communications) (13:06): The honourable member poses a good question. He poses it in good faith, as we all accept, but you have to draw the line somewhere. We have drawn the line with respect to journalists because they are in a very special category. The job of journalists is finding and publishing information that people do not want to have published. I think that one great newspaper man at some time said that the definition of news was something that people in power do not want the public to read. So that is a very special situation that journalists are in.

The point the honourable member is making is a perfectly reasonable question to ask. The government has chosen to deal with journalists in this very specific way. No doubt this debate will continue, but it is very important that this legislation be passed. We really do need to get on with it. This issue has been knocking around for some years now without resolution, and the government is committed to getting this legislation passed. The police and ASIO are very anxious that it be passed, but it will still be debated, of course—assuming it is passed in this House today—in the other place as well. But I thank the honourable member for his very thoughtful question nonetheless, and I hope he finds my answers at least somewhat satisfying.

Mr BANDT (Melbourne) (13:07): Following on in part from the answer just given, whatever may be said about the first set of amendments—given that they arose, we are asked to understand, out of the PJCIS and that that had been ventilated for some time—the same cannot be said about this second set of amendments. It may be that, if we have the opportunity to understand these amendments, they are worthy of support because they make a bad bill slightly less awful than it currently is. But, given that we have just been given 15 or 16 pages worth of amendments that we are told are designed to offer some protection to journalists, I ask the minister again: in respect of these, given that this was not an agreed outcome of PJCIS and was not, as the minister has urged us to accept with respect to the first set of amendments, something that has been out there in the public domain for a long period of time, surely we should have the opportunity now to go and test these amendments with journalists, with people who represent journalists and with free speech advocates before all of us sitting in this parliament are asked to vote on them. That surely should be an uncontroversial proposition: that we now have time to go and consider these amendments which have just come out of the blue today. I ask the minister to please adjourn this debate so that we can go and seek advice about whether these amendments give journalists the kind of satisfaction that they are seeking.

Mr TURNBULL (Wentworth—Minister for Communications) (13:09): Again, I thank the member for Melbourne for his question. As I said earlier, it is very important that we get on with this legislation and get it passed. It will, of course, be subject to debate and consideration
in the other place, the Senate. As far as this particular set of amendments is concerned, these are straightforward and very readily comprehensible. The honourable member, famous for his quick and agile intellect, has had no problem in understanding them. The structure is very clear.

I would think there is only one real issue of contention with the media sector, which I have spoken to and which we have consulted with intensely. I want to thank journalists again—for example, Laurie Oakes, the elder statesman of the press gallery, has been very eloquent on this matter—and, of course, their union and the employers themselves and the editors. I thank them all for their contribution. Many of them made an argument that, before a warrant of this kind was issued, the journalist should be given prior notice so that the journalist could appear, either personally or with counsel, to oppose the issuing of a warrant. That would be a massive, radical change to the way in which warrants are issued and would have implications and create a precedent that would go well beyond this case, so neither the government nor the opposition supported that. But, apart from that, I think this provides answers to the concerns of the media organisations and, based on my discussions with them today, they have broadly welcomed it.

So I really do put to the honourable member that he has more than adequate time to deal with this. We often have to deal with things quickly in this House. Sometimes people think the wheels of government grind very slowly, but on occasions we have to crank it up and get things done. We are here to legislate, not just go round in circles on issues, and we have been going round. I make no criticism of anybody, but this issue has been kicking around for years, and we are bringing it to a resolution now. It is a great credit to the Prime Minister for his energy in making sure that this matter is brought to resolution, and I also pay credit to the Leader of the Opposition and his colleagues the member for Isaacs and the member for Blaxland for their cooperation with us this week in getting these amendments resolved.

Mr BANDT (Melbourne) (13:12): I thank the minister for his flattery but, with respect, we have 30 pages of amendments, and we have been on our feet and in this chamber debating the first 15 pages, so the suggestion that during that time we have had enough time to read, consider and form a view on the last 15 pages is just fanciful, and I suspect the minister knows that. Given that we are doing this on the fly, with no time to seek advice or consider it, let me ask the minister a couple of questions about how this is intended to operate. I see in proposed section 180L that there is reference to the minister issuing a warrant with respect to the journalist. I am wondering if the minister can explain who that minister is and what the minister’s role in respect of issuing warrants is under these amendments.

Mr TURNBULL (Wentworth—Minister for Communications) (13:13): I thank the honourable member for his question. The minister, as I am sure the honourable member is aware, is the minister responsible for the organisation, which is ASIO, and that is the Attorney-General. Under the existing law, the minister is responsible for giving warrants to ASIO when ASIO seeks warrants. I am sure the member for Denison is very familiar with all of this given his background. So the process with respect to ASIO has the issuing authority as the minister—that is, the Attorney-General—and with respect to the AFP and the enforcement agencies it is a judge or magistrate and so forth. If you are on the public interest advocate panel, I suspect you would spend a long, long, long time waiting for the opportunity to make a
submission in respect of a warrant application relating to a journalist to the Attorney-General. It is a rare occurrence even with the police, but a very rare occurrence with ASIO.

Mr BANDT (Melbourne) (13:15): The minister has touched on an issue which I seek further clarification on. In his submission, the member for Blaxland said—and I believe he was speaking on behalf of the opposition—that the amendments that have been secured would require anyone who wanted a warrant with respect to a journalist to approach a judge. He used the word 'judge' repeatedly. He said it is the judge who issues the warrants. So you would have a chance, as a public interest advocate, to argue in front of a judge that warrants should or should not be issued. I am after clarification as to whether that is in fact right. Are the member for Blaxland and the Labor Party are right in saying that, under these amendments, all of these warrants will have to be argued in front of a judge, or whether the effect of 180L is that some of them will not have to be argued in front of a judge and will in fact be argued in front of the esteemed Attorney-General.

Mr TURNBULL (Wentworth—Minister for Communications) (13:16): I will pass on to the Attorney-General the esteem which you hold him in. He will be very touched by that. So that it is clear: the requirement for journalist information warrants, which is the term, where they are sought by the organisation, which is ASIO, they are sought from the minister, not from a judge. That is the case at the moment when ASIO seeks warrants in other contexts. Where a journalism information warrant—and I am now looking at Subdivision C, which is on page 19—is sought by an enforcement agency—the police, for example—that is sought from what is inelegantly called a part 4-1 issuing authority, which is a judicial officer—a member of the AAT, a magistrate or a judge. What the member for Blaxland was referring to was the issue of warrants to the police.

Mr BANDT (Melbourne) (13:17): It occurs to me then that the situation is this: if ASIO—and there may be other security agencies; I just do not know, because I did not have time to read these amendments in detail—are wanting to seek a warrant for something that a journalist is doing, and it may be that the journalist is perhaps talking to someone in a government department who is raising concerns to them about potentially even the minister himself or herself as the case may be, that process does not get argued out in front of a judge. What will happen if a journalist is talking to someone and ASIO wants to know a bit more about it is that, in a closed process, ASIO would go to the minister, who may in a future government be the minister that the journalist is actually investigating, and it will never be argued in front of a judge. All that will happen is that this new public interest advocate will have the right to make a submission to the Attorney-General, but that otherwise it will never come in front of a judge. Is that correct? And is that the intention of this amendment?

Mr TURNBULL (Wentworth—Minister for Communications) (13:18): The application for a warrant by ASIO goes to the minister, who is the Attorney-General.

Mr BANDT (Melbourne) (13:19): Again, just going two or three pages in, without the opportunity to digest these amendments, I think it becomes apparent that if you are a journalist who is getting information that might relate to a future Attorney-General or might relate to something else, and if ASIO wants to seek a warrant for you and what you are doing, it will never go to a court and all the public interest advocate gets to do is go and talk to the person who you may be investigating, wanting to write a story or wanting to follow up. If that is right, I wonder whether it is up to them as to whether they want to stand up. I wonder
whether the Labor Party agrees with that or whether they have been sold a pup, because that is pretty significant and it is not in accordance with what I understood from previous submissions from the opposition side to be the level of protection accorded in these amendments. In the short time available to us, that is one question which we have been able to point to. Can the minister explain under what agency or under whose control the public advocate will be, within the government department. Can the minister also explain who they will report to and how much funding this public advocate will get.

Mr Turnbull (Wentworth—Minister for Communications) (13:20): The short answer, as the honourable member knows, is that ASIO warrants have always been issued by the minister, so there is absolutely no change from that practice. The change in respect of accessing metadata, a warrant relating to a journalist and his sources, is that a warrant is needed at all. So, from the perspective of the honourable member, as a I divine it, this is a considerable improvement. If his objection is that the minister, the Attorney-General, should not be issuing warrants in respect of applications by ASIO then that is a much bigger question that relates to the whole range of warrants that the organisation may be seeking. As far as the role of the minister vis-a-vis ASIO and warrants is concerned, this is very much status quo.

Mr Bandt (Melbourne) (13:21): On another matter: is there contained in these amendments a definition of a journalist? What counts as a journalist under these amendments?

Mr Turnbull (Wentworth—Minister for Communications) (13:14): Can the honourable member repeat that.

Mr Bandt (Melbourne) (13:22): What is the definition of a journalist? Is there something in these amendments that defines what a journalist is?

Mr Turnbull (Wentworth—Minister for Communications) (13:22): It is an English word, and it describes an occupation—a very important occupation. It is not defined in the act. Assuming it were ever controversial, perhaps some day a court could look at it. The reference, of course, is to a journalist working as a professional in a professional capacity, so I think that it is very well understood. I do not anticipate there being any problems arising. Some issues of interpretation of words arise even when you try to define them elaborately. I think that it is a very well understood term.

Mr Bandt (Melbourne) (13:23): I wonder whether, in that respect, it includes a blogger, because we have heard on several occasions from this government, including from the minister, about the transformative role of the internet in journalism. In many respects I agree with the minister. There are now many people who would say they are performing activities as journalists, which are similar to the functions that used to be carried out by journalists, but they may not be in the employ of a media organisation. They may be doing freelance work. It might be that they are in the employ of someone else, but that someone is not considered to be a traditional media organisation.

A very real question will now arise because although, historically, we might know what a journalist is—yes; it is an English word and I hope most of the words in this set of amendments are English words—and it has been clear, historically, what a journalist is, but there is now a very real question in the context of a bill about what happens on the internet and in the context of a bill that is about surveillance of metadata. Surely it is something that...
ought to have been considered in that context—whether people who do things online as bloggers, and the like, count as journalists. That is certainly something that has been agitated for more broadly. It is certainly something that has been raised by journalists, amongst others. I do not think that it is at all fanciful to ask the question about whether someone who is publishing solely online in the form of a blog, and who might not be in the employ of someone else, would count as a journalist. I wonder whether that has been given any thought in the preparation of this, or whether being a journalist is perhaps comparable to being in the MEAA, for example.

I ask the minister to explain, with respect to bloggers in particular, whether they will be counted as journalists for the purposes of this? If they are not, what that means is apparent—the full force of this legislation applies to a blogger. A blogger is someone who would be conducting most of their activity online and, you would argue in many respects, most of their journalism. They would be doing that online, so a blogger is certainly someone who wants to maintain the security and privacy of their communications with others in same way as a journalist would.

They are, in fact, less likely to be in the same vein as those the member for Denison referred to, who you would have a phone call with and communicate with by the old means. They are much more likely to be conducting their activities online and, as such, are more likely to be caught within the remit of this legislation. For them, it is probably even more important that they be covered. Given that these amendments have been moved apparently with some significant thought and preparation—even though we have not had the courtesy of seeing them in this parliament and being able to consider them for any extended period of time—surely this question of online-only journalism ought to have been considered. It is something that has been raised in the public debates. If the minister's response is, 'Some of these issues have been canvassed publicly over several years, so surely we are in a position to move on'—well, this is something that has been canvassed in the years gone by, and especially online. I ask the minister the simple question: does a blogger count as a journalist?

Mr Turnbull (Wentworth—Minister for Communications) (13:27): The answer is that many journalists blog. In fact, I would say that probably most journalists blog nowadays. If they are doing it in their professional capacity, then they are covered by these protections. That is quite clear.

Mr Bandt (Melbourne) (13:27): Following from that, if this amendment means that a blogger is counted if they have a phone call with and communicate with by the old means. They are more likely to be conducting their activities online and, as such, are more likely to be covered within the remit of this legislation. For them, it is probably even more important that they be covered. Given that these amendments have been moved apparently with some significant thought and preparation—even though we have not had the courtesy of seeing them in this parliament and being able to consider them for any extended period of time—surely this question of online-only journalism ought to have been considered. It is something that has been raised in the public debates. If the minister's response is, 'Some of these issues have been canvassed publicly over several years, so surely we are in a position to move on'—well, this is something that has been canvassed in the years gone by, and especially online. I ask the minister the simple question: does a blogger count as a journalist?

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If the minister's answer is, 'If you are doing it in your professional capacity as a blogger, then you count as a journalist', can we have some clarity about what counts as a 'professional capacity'? Let's give some examples: someone who is in the employ of another organisation—are they acting in their professional capacity? Someone who is not in the employ of another organisation but this is their sole means of staying alive—are they acting in a professional capacity? Someone who does it not because they are getting paid but because they believe in what they are doing—is that someone who is doing it in their professional capacity. As the minister suggests, do you have to be otherwise employed as a journalist and someone who blogs, or can you be someone who is not separately a journalist—in the employ of the Guardian, or in the employ of Fairfax—who only blogs? Will that count?

I repeat the point for the minister: this is quite serious because this goes to whether or not that person has the capacity to know that all of the activity which they are going to be conducting online counts as private. Some very, very important questions hang on this, so, given the reference from the minister—

The DEPUTY SPEAKER (Hon. BC Scott): Order! The debate is interrupted in accordance with standing order 43. The debate may be resumed at a later hour.

Mr TURNBULL (Wentworth—Minister for Communications) (13:30): on indulgence—I just ask for an indication from the honourable member for Melbourne whether he proposes to keep speculating about the definition of 'journalist' for a lengthy period. If we were to give this bill precedence over the 90-second statements, we could deal with the bill before question time, but, if the honourable member wants to keep talking about the definition of 'journalists' for another half an hour or so, we can allow 90-second statements. It is really a question of whether the honourable member wants to run down the clock or not. That is the issue.

Mr BANDT (Melbourne) (13:31): Perhaps I can hear an answer from the minister and we will take it from there.

The DEPUTY SPEAKER: No, I will have to proceed with the 90-second statements. I am governed by standing orders. I call the honourable member for Fowler after allowing some indulgence.

STATEMENTS BY MEMBERS

New South Wales State Election

Mr HAYES (Fowler—Chief Opposition Whip) (13:31): This government cries crocodile tears when it comes to pensioners and families, and this is particularly evident to families and pensioners in Western Sydney. All the 15,000 pensioners there know they are going to be worse off with this government's change to the indexation rate of pensions. They know that, over the course of 10 years, they will be $80 a week worse off. We have 15½ thousand single-income families in my electorate on an average salary of, say, $65,000. These families are going to be $6,000 worse off. This is what a Liberal government does.

The Liberal government went to the election promising that there would be no cuts to pensions, no cuts to health and no cuts to education—and what did they do about health? They took $16 billion off the health budget in New South Wales—and what did Premier Mike Baird do? He issued a press release. That is the sort of strongarm government in New South Wales that will stand up to the Liberal government in Canberra! What we want in New South Wales is a government prepared to put families and pensioners and those who need it first.
We want a government who can stand up. Those people opposite know that they are weak in this area. Vote '1' Labor.

**Wannon Electorate: 39th Port Fairy Folk Festival**

Mr TEHAN (Wannon) (13:33): This month saw the 39th Port Fairy Folk Festival take place in my electorate of Wannon. The Port Fairy Folk Festival is one of the jewels in the calendar of events along the south-west coast of Victoria, drawing music lovers from across the world. The first festival was held in December 1977, charging about 400 fans $3 a ticket and with eight acts. This year, the 'Folkie' saw over 30,000 people drawn to Port Fairy to enjoy over 100 acts and stalls—15,000 of those pre-paying ticket holders. This year saw famous Irish act Sinead O'Connor take a lead role in entertaining locals and visitors. Some of the locals described this year's festival as 'a brilliant feast for the ears and eyes'. One of the visiting acts noted, 'It is rare to see a festival embraced so wholeheartedly by its local community.'

I congratulate the organisers of this fantastic event, in particular Dr Jamie McKew, the festival's founder and continuing director. I look forward to 2016, the 40th year of the festival, and I invite all present in the chamber today, both in the gallery and all MPs, to come down to the 'Folkie' next year to help celebrate the 40th edition of the festival.

**New South Wales State Election**

Mrs ELLIOT (Richmond) (13:34): The Abbott government's cuts are hurting the people of New South Wales, particularly in regional areas like my electorate of Richmond. One of the worst affected by these cuts will be age pensioners, who will be much worse off as a result of the Abbott government's cuts to the indexation of their pensions. In my electorate, there are 20,520 people on the age pension who will have their pension cut by this Liberal-National government. The Australia Council of Social Services estimated this cut will leave pensioners $80 a week worse off. And the fact is that New South Wales Premier Mike Baird has done nothing to stop the Prime Minister's attack on the pensioners of New South Wales.

On the New South Wales North Coast, the National Party has done nothing to stop the Prime Minister's attack on pensioners. On 28 March, pensioners on the North Coast will have a chance to tell the Prime Minister that they never voted for a cut to their pension. They should put the National Party last to send a strong message about the pension cut. Put the National Party last.

It is not just pensioners who will be worse off. Families will have family tax benefit part B cut as well. There are all those health cuts as well, with the Prime Minister cutting more than $50 billion from hospitals around Australia, including more than $16 billion from New South Wales hospitals.

On 28 March, locals in my electorate have an opportunity to send a strong message to the National Party. Tell the National Party: we never voted for pension cuts; we never voted for health cuts; we never voted for cuts to family payments. The people of New South Wales are hurting because of this government's cruel cuts. The Liberal-National government's cruel cuts are hurting the people of New South Wales.
Forde Electorate: Beenleigh State High School

Mr VAN MANEN (Forde) (13:36): I am proud to be able to acknowledge the students of Beenleigh State High School, who have become champions of agriculture through a unique on-farm learning scheme. The Show Team is an ongoing program run by Beenleigh’s Robert Nolan which has split farms across five hectares at the school and a further 20 hectares at Yatala. They have not yet been able to get the Show Team into the Ekka, but in the past couple of years they have done exceptionally well, obtaining champion status with their bulls and cows at the Ipswich, Mudgeeraba and Beenleigh shows.

The great thing about the Show Team, which is just one of the excellent programs available at Beenleigh state high, is that it is especially for the kids who are lacking in confidence. It is great for building young people's confidence and public-speaking ability, and one hopes that those participating in the program might seriously consider a career in agriculture.

Mr Nolan is extremely passionate about seeing the program continue into the future and I note that he would like people, especially from regional areas and the cities, to be made more aware of what the program does to ensure they are able to get the support they need to sustain it. It is one of the largest secondary school agricultural departments in Queensland, and I wish Mr Nolan and all the students involved all the very best for the future.

New South Wales State Election

Ms HALL (Shortland—Opposition Whip) (13:37): The Abbott government has waged war on the people of New South Wales, and the Baird Liberal government has done absolutely nothing to protect them. In Shortland electorate there are 21,877 pensioners and I swear that each and every one of those pensioners has rung my office complaining about the mean, cruel-hearted cuts that this Abbott government has perpetrated on them.

Mike Baird has done nothing. He has not stood up once for those pensioners. This week is Seniors Week in New South Wales, so the least we could expect is that the Premier of New South Wales would stand up for the pensioners of New South Wales. Not only has he attacked pensioners in New South Wales but families in New South Wales have suffered under the Abbott government: 8,500 families in Shortland electorate received the Schoolkids Bonus. What has Mike Baird done? Has he stood up for those families? No. Mike Baird has failed to hold Tony Abbott to account. He has failed to fight for the people of New South Wales. Because of that failure, the voters in New South Wales can deliver a strong message by voting Labor in and booting Mike Baird and his mates out on the 28 March. (Time expired)

Greek Independence Day

Mr VARVARIS (Barton) (13:39): I wish to inform the House that this Sunday, 22 March, there will be a memorial service for Greek Independence Day. This Sunday will be of special significance in the electorate of Barton, where approximately 20,000 constituents are of Greek heritage. This year marks 194 years since Greece became independent. On Sunday a memorial service will be held at Martin Place Cenotaph to mark the Greek War of Independence, also known as the Greek uprising, in 1821. Officially, Greek Independence Day is celebrated on 25 March in Greece, where it is also known as Greek National Day. Coincidentally, Greek Independence Day is the same day as the celebration of the Annunciation to the Theotokos, when the Archangel Gabriel appeared to Mary and told her that she would bear the son of God. As such, 25 March is a day of dual significance for
Greeks in Australia, in Greece and in other parts of the world. The memorial service allows us to remember Greece's independence from the Ottoman Empire and the sacrifices made for this to happen. For many of those with Greek heritage the bravery of the Greek people, who fought for their rights of freedom and liberty, is something we should never forget. I would like to acknowledge His Eminence, Archbishop Stylianos, Primate of the Greek Orthodox Church in Australia, the many parishes and communities of the Greek Orthodox Archdiocese of Australia, and the Greek Orthodox community of New South Wales for their tireless efforts in preserving our cultural heritage.

New South Wales State Election

Mr CONROY (Charlton) (13:40): In nine days time, the people of New South Wales will be given the opportunity to send a clear message to Tony Abbott through his surfing buddy, Mike Baird, a man who has been completely gutless in defending the interests of New South Wales. He is a man who has been gutless in defending the people of Charlton, where we have 20,000 pensioners who are facing cuts because of the Prime Minister; where we have 9,000 families receiving family tax benefit B who will lose that benefit when their youngest kid turns six; and where we are already seeing the impact of the $80 billion of cuts to schools and hospitals. All these are attacks by our Liberal government, aided by their surfing buddies in the New South Wales government.

It is a pity that Mike Baird, when he was waxing his surfboard with Tony Abbott, did not say to him, 'Mate—hands off New South Wales.' But he has not, so the people of New South Wales have the opportunity in nine days time to give a clear message: stop attacking New South Wales. Put in a government that will stand up for the interests of New South Wales people by stopping cuts to pensions, stopping cuts to school funding and stopping cuts to hospitals. It is time we put in a Foley Labor government, aided by their surfing buddies in the New South Wales government.

Mr CONROY (Charlton) (13:40): In nine days time, the people of New South Wales will be given the opportunity to send a clear message to Tony Abbott through his surfing buddy, Mike Baird, a man who has been completely gutless in defending the interests of New South Wales. He is a man who has been gutless in defending the people of Charlton, where we have 20,000 pensioners who are facing cuts because of the Prime Minister; where we have 9,000 families receiving family tax benefit B who will lose that benefit when their youngest kid turns six; and where we are already seeing the impact of the $80 billion of cuts to schools and hospitals. All these are attacks by our Liberal government, aided by their surfing buddies in the New South Wales government.

Mr TURNBULL (Wentworth—Minister for Communications) (13:42): by leave—I move:

That standing order 43 (Members' statements) be suspended until the completion of order of the day No. 1, government business.

Question agreed to.

BILLS

Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014

Consideration in Detail

Debate resumed.

The DEPUTY SPEAKER (Hon. BC Scott) (13:42): The question is that the amendments be agreed to.

Mr TURNBULL (Wentworth—Minister for Communications) (13:42): We have debated these amendments for some time, and we are now in a position where we are discussing what
the definition of a journalist may be. I think we have exhausted the debate. It is important that this legislation be passed. I move:

That the question be now put.

**The DEPUTY SPEAKER (13:43):** The question is that the motion be put.

The House divided. [13:47]

(The Deputy Speaker—Hon. BC Scott)

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Question agreed to.

The DEPUTY SPEAKER (13:53): The question now is that the amendments be agreed to.

Question agreed to.

The DEPUTY SPEAKER (Hon. BC Scott): The question now is that this bill, as amended, be agreed to.

A division having been called and the bells having been rung—

The DEPUTY SPEAKER: As there are fewer than five members on the side for the noes in this division, I declare the question resolved in the affirmative in accordance with standing order 127. The names of those members who are in the minority will be recorded in the Votes and Proceedings.

Question agreed to, Ms McGowan, Mr Bandt and Mr Wilkie voting no.

Third Reading

Mr TURNBULL (Wentworth—Minister for Communications) (13:55): I table the replacement explanatory memorandum.

Mr TURNBULL: by leave—I move:

That this bill be now read a third time.

Question agreed to.
Bill read a third time.

**STATEMENTS BY MEMBERS**

**New South Wales State Election**

Mr HUSIC (Chifley) (13:56): New South Wales Premier Mike Baird, the good friend of the Prime Minister, and his coalition government have forgotten the people of Western Sydney that I represent at a federal level. The things our area needs, like a cardiac ward at Mount Druitt Hospital, have been taken from us. The Liberal candidate for the seat of Mount Druitt did not fight the closure, she actually justified it, preferring to protect Macquarie Street than the people of our area. The things our area needs, like simple lifts at Rooty Hill and Doonside railway stations, have been ignored, and Mike Baird's good mate Tony Abbott has been just as bad at hurting Mount Druitt. When Tony Abbott slashed billions of dollars from state hospital and school budgets, Mike Baird put up as much fight as a doormat. Not content with that, Tony Abbott went on to make cuts to 14,500 Chifley pensioners. He axed the schoolkids bonus to 27,000 families, clamped down on family tax benefit B and ended trade training centre programs. With friends like that, Mike Baird needs more enemies! On March 28, Western Sydney can tell Mike Baird that his surfing buddy Tony Abbott is not good for our state and we deserve better. Here is your chance to tell New South Wales we do not need a Tony Abbott mate; we need a fighter for our state.

**Bonner Electorate: Mobile Phone Towers**

Mr VASTA (Bonner) (13:58): I would like to commend a grassroots action group in Bonner for their dedication to protecting residents and wildlife in Gumdale and Wakerley. The No Telstra Tower near Gumdale School group was formed out of a concern over a proposed mobile phone tower site. I have spoken previously in this chamber about the great work that the No Towers Near Guardian Angels group had made, and now the No Telstra Tower near Gumdale School group has also done an excellent job in raising awareness of this issue. They have encouraged more accountability from Telstra. Just recently they held a community meeting that was well attended despite short notice. This goes to show just how passionate people are in our electorate. I share the group's uncertainty on the proposed tower's location. It is close to Gumdale State School, C&K Gumdale Community Kindergarten, Kindy Kapers Early Learning Centre at Wakerley and several private residences, as well as a protected koala habitat. I note that Telstra has shown it is willing to hear out concerns over its proposal. Telstra representatives have met with me recently to discuss the proposal at length. Tonight Telstra will also be holding a community information session for residents. I recognise that measures to satisfy the concerns of a section of the community must be balanced with the wider community's need for improved mobile services. I am pleased that the actions of the No Telstra Tower near Gumdale School group have ensured a more balanced result for all involved. I applaud them for their commitment and hard work. I will continue to work with the group and with Telstra to achieve a desirable and practical outcome.

The SPEAKER: It being 2 o'clock, in accordance with standing order 43 the time for members' statements has concluded.
STATEMENTS ON INDULGENCE

Tunisia: Terrorist Attack

Mr ABBOTT (Warringah—Prime Minister) (14:00): On indulgence, I wish to inform the House that there has been a terrorist atrocity in Tunisia. There has been an attack on the national museum in Tunis in which many people have been killed or wounded, including, it seems, some 17 overseas tourists. Plainly this is a terrorist outrage. Plainly it is an attack by Islamist extremists on a fledgling democracy which had thus far proven quite effective in resisting the extremism characterised by al-Qaeda and its variants and the ISIL, or Daesh, death cult in the Middle East.

Obviously the Australian government condemns in the strongest possible terms this atrocity. Our thoughts and prayers are with the families of the dead and wounded. I regret to say that one Australian dual national is reported to be among the dead. This person cannot currently be identified but obviously our deepest sympathies and condolences go to his family and friends and his family are being rendered every possible consular assistance.

Mr SHORTEN (Maribyrnong—Leader of the Opposition) (14:02): I rise on behalf of the opposition to support the Prime Minister's words. We have been saddened this morning by reports of at least 19 people having been killed at the national museum in Tunisia and many more wounded. I am sure we all felt when we saw the footage that we were seeing evil abroad again—innocents murdered, tourists and citizens killed, and scared people seeking security. Our thoughts and sympathies are with the fledgling democracy of Tunisia and its citizens and, of course, the families and friends of those who have lost their lives, many of them international tourists. It is an act of murder designed to shake the foundations of a new democracy. But I understand that the members of the Tunisian parliament, locked down in their country's parliament building as reports of the attack broke, refused to cower in fear; instead, they sang their national anthem in defiance. Our parliament is reminded of their strength and we stand with them in democratic solidarity.

The SPEAKER (14:03): I would like to add my own remarks and identify with those of both the Prime Minister and the Leader of the Opposition in that I visited Tunisia last year as the guest of their government. I was in that museum. I met with many of the new people who are forming that new democracy and their new constitution with their effort and the hopes and aspirations they have for all their people—men and women alike. I We feel for them and hope they will persist with their ideals and not be persuaded by terrorism. I think that is something we all feel.

MINISTERIAL ARRANGEMENTS

Mr ABBOTT (Warringah—Prime Minister) (14:03): I inform the House that the Minister for Trade and Investment will be absent from question time today due to illness. The Minister for Foreign Affairs will answer questions on his behalf.

QUESTIONS WITHOUT NOTICE

Abbott Government

Mr SHORTEN (Maribyrnong—Leader of the Opposition) (14:04): My question is to the Prime Minister. Will he take his plans for $100,000 degrees to the next election? Will he take
his plans for $6,000 cuts to family payments to the next election? Will the Prime Minister take his plans for $80 cuts to weekly pensions to the next election, whenever it is?

**Mr ABBOTT** (Warringah—Prime Minister) (14:04): What this government will be taking to the next election is a very strong record of achievement. The carbon tax is gone and every household is $550 a year better off. The mining tax is gone and Australia is once more a safe place to invest. Roads are being built right around Australia, except where the state cohorts of the members opposite want to say no to the jobs and economic opportunity that new roads will bring. And the boats have stopped. We will have a very strong policy platform to take to the next election. What will Labor's platform be? Bring back the carbon tax, bring back the mining tax and bring back the people smugglers—that is what Labor will take to the next election.

This government, as I have constantly said, is open for business. And because this country, under this government, is open for business our economy is strengthening. Economic growth in our first year is 25 per cent higher than economic growth in Labor's last year. Jobs growth in our first year was three times jobs growth in Labor's last year. Over the last 12 months exports are up seven per cent, housing approvals are up nine per cent and retail sales are up four per cent. Confidence is returning to our country. And why wouldn't confidence return to our country when you have got low and stable interest rates, a competitive and stable exchange rate, the lowest petrol prices in years and, thanks to the policies of this government, the biggest fall in power prices on record. So there will be a platform of competent administration, of delivery, of commitments and prosperity, upon which this government will base its appeal to the Australian people.

**National Security**

**Mr TAYLOR** (Hume) (14:06): My question is to the Prime Minister. Will the Prime Minister update the House on action the government is taking to strengthen our national security?

**Mr ABBOTT** (Warringah—Prime Minister) (14:07): I thank the member for Hume for his question. As the Leader of the Opposition and I have just noted, we have seen another serious terrorist atrocity in the last 24 hours in Tunisia. This latest atrocity is a sign of just how many people right around the world are susceptible to the deadly lure of Islamist extremism. We are not immune to this dreadful contagion—this modern-day scourge—even here in peaceful, pacific, socially-cohesive Australia.

As members of this House now know well, there are some 100 Australians who are currently fighting in the Middle East with the ISIL or Daesh death cult. There are some 140 people here in Australia who are supporting them with financing and recruitment. Some 100 Australians have had their passports cancelled to prevent them travelling to the Middle East. Of great concern, ASIO now has some 400 high-priority counter-terrorism investigations on foot. This is double the number of just 12 months ago. In response, this government has invested some $630 million more in our police and security agencies. We have also strengthened our counter-terrorist legislation in a whole host of ways. There are more powers for our security agencies, and there are new offences to deal with terrorists and potential terrorists.
Shortly before question time this parliament passed the data retention legislation. This is a very important piece of legislation, because the Australian Federal Police advise that some 90 per cent of counter-terrorism investigations involve the use of metadata as, coincidentally, do some 90 per cent of child abuse investigations. I want to thank the Chair of the Joint Standing Committee on Intelligence and Security, the member for Wannon; the deputy chairman; and the ministers and shadow ministers involved in the cooperation that achieved this legislation. But we cannot stop there. We must always be acting to keep our country safe.

Today the Minister for Justice introduced legislation to provide for a mandatory five-year sentence for trafficking in illegal firearms. There are some 10,000 illegal handguns in our country and some quarter of a million illegal longarms in our country. They must be kept out of the wrong hands. This is important legislation. I do hope we can have the same level of constructive cooperation from the opposition on this as on other counter-terrorist and security legislation.

Budget

Mr SHORTEN (Maribyrnong—Leader of the Opposition) (14:10): My question is to the Prime Minister. I refer to an ABC report titled Federal officials concerned budget process is adrift two months before it is delivered. If it is five minutes to midnight, and even Treasury officials are confused, doesn't this confirm that the same cuts and chaos of the last budget will be front and centre of this budget?

Mr ABBOTT (Warringah—Prime Minister) (14:10): I thank the Leader of the Opposition for his question, because obviously it is important that our budgetary position continue to improve. It needs to improve because of the disaster that members opposite created. As the Australian people now well know, under members opposite the six biggest deficits in our history were bequeathed to this government—the six biggest deficits in our history. $250 billion-plus of deficit was created by members opposite in their six budgets. In last year's budget we made a very good start on budget repair—an excellent start.

Opposition members interjecting—

Mr ABBOTT: Again, I refer members opposite, who persist in these interjections—

Ms Owens interjecting—

The SPEAKER: The member for Parramatta, the Prime Minister has the call.

Mr ABBOTT: I refer members opposite to the Treasury experts' Intergenerational report—

Mr Conroy interjecting—

The SPEAKER: The member for Charlton will desist.

Mr ABBOTT: which shows where we were going under the policy of the previous government. Treasury experts show where Labor's policies were taking our country. We were taking debt and deficit—

Opposition members interjecting—

The SPEAKER: We do not have props.
Mr ABBOTT: to southern European levels under the ouzo economists sitting opposite. What the restructuring that this government proposed last year would have done would have been to fix the budget for a generation.

I accept that not all of the measures proposed last year have passed through the parliament. I accept that because members opposite, having been wreckers in government, are saboteurs in opposition as well. The good news is that the measures that have passed the parliament will take us close to balance by 2020 and, going forward, they halve Labor's debt and deficit.

What that means is that a solid foundation has been laid. Debt and deficit that was out of control when members opposite were in charge is now well and truly manageable under this government. Last year's budget is a very strong foundation for this year's budget. It will be prudent, frugal and responsible. But, I have to say, there will be good news in this year's budget—good news for families through increased child care and good news for small business through the tax cut that they need and deserve.

National Security

Ms PRICE (Durack) (14:13): My question is to the Minister for Foreign Affairs. Will the minister update the House on the terrorist attack in Tunisia and the threat posed by violent extremism and foreign terrorist fighters?

Ms JULIE BISHOP (Curtin—Minister for Foreign Affairs) (14:14): I thank the member for Durack for her question. Countering terrorism and the extremist violence which drives it is the Australian government's top national security priority. Members of this House will be appalled at the terrorist attacks in Tunisia overnight. Around 20 people have been gunned down in a cowardly attack on innocent tourists. Sadly, I can confirm that an Australian-Colombian dual national from New South Wales and his Colombian mother were among the victims. Our thoughts are with their family, and we are offering consular assistance. Our thoughts are also with the people of Tunisia. As in so many other countries, Tunisia is struggling with violent extremism. The Tunisian government estimates that it has around 2,000 foreign terrorist fighters in the Syria-Iraq conflict, part of the estimated 15,000 to 20,000 fighters from around the globe, including around 100 from Australia. No nation is immune to this brutal Islamic ideology. There are reports today of another Australian terrorist fighter killed in Syria. This is yet to be officially confirmed. This person would add to the more than 20 young Australians killed fighting in the conflict. It is yet another example of young, vulnerable people being lured into Daesh's poisonous web of senseless violence.

I have spoken previously in this House of the unspeakable crimes of Daesh against young people, particularly women and girls. As if the Daesh bombings and beheadings and rapes and other atrocities against the people of Syria and Iraq were not reason enough to act, Daesh is reportedly now using crude chemical weapons against military forces and civilians in Syria and Iraq—another example of Daesh's complete disdain for human life. There is evidence of chlorine in the clothing and on the bodies of victims killed in recent attacks. Chlorine kills through choking, and its use in conflicts is banned under the Chemical Weapons Convention. Australia has a key national interest in fighting Daesh and the spread of extremist violence. That is why we have joined a coalition of some 60 countries, including Iraq's neighbours, to help Iraq reclaim its territory from Daesh and liberate its people from the clutches of Daesh. It is why we have taken a lead role in the United Nations, co-sponsoring Security Council resolution 2178, which requires all nations to prevent the financing, travel and activities of...
terrorists. And it is why we are strengthening cooperation with our counterterrorism partners, particularly in South-East Asia, and helping our own communities work with individuals who are at risk of radicalisation through a range of community programs. I particularly want to thank the leaders of our Muslim communities for their support in our efforts. The government will do what we can, at home and abroad, to combat violent extremism and keep our people safe.

Economy

Mr Bowen (McMahon) (14:17): My question is to the Prime Minister. Why was net debt of 13 per cent of GDP a 'debt and deficit disaster' but net debt of 50 to 60 per cent of GDP a 'pretty good result'?

The Speaker: I call the honourable Treasurer.

Opposition members interjecting—

The Speaker: There will be silence. The Treasurer is answering this question.

Mr Hockey (North Sydney—The Treasurer) (14:17): It might come as a surprise to the member for McMahon, but under the legacy left by the Labor Party we were left with a trajectory of debt that was clearly unsustainable. Spending growth up to 2055 was going to be well over a third of the Australian economy. What we have done is halve that trajectory. In our first budget we halved the amount of net debt that is going to exist in 2055, the middle of this century. We halved it, and that was a significant achievement. But there is much more to be done, and the people standing in the way of that action are the Australian Labor Party, because the Australian Labor Party created the mess. And we are determined to fix it, because we must. As the Prime Minister has said repeatedly, in our first budget we were trying to fix 40 years of looming problems created by the Australian Labor Party in just six years of government. That was the challenge for us. And yes, it was a significant challenge. It was a great mountain to climb. We did not get there, but we started the climb, because it is absolutely essential for the future of Australia that we get to the point where we as a nation live within our means. That is the compact between the generations that we talk about in the Intergenerational report—about making sure, as we stand on the shoulders of generations that have made sacrifices before us, that the children who follow us have a better quality of life and that we are not leaving them with a legacy of debt and deficit that is unsustainable into the future.

So, we are being entirely responsible. And who would have thought, when we framed the budget last year, that Labor would be so audacious not only to oppose what we were trying to do to fix the mess that they created but also to oppose what the Labor Party themselves proposed to do to fix the mess that they created—$5 billion of their own proposed savings they are cynically opposing in the Senate. And they are opposing another $30 billion of savings, and at some time in the future someone—whether it is a Liberal government, a National government or a Labor government—is going to have to make the hard decisions that get Australia to the point where we live within our means. So, this government makes no apology whatsoever for doing what is absolutely right for the Australian people, and we will disregard the cynicism of the Labor Party.
Broadband

Ms McGOWAN (Indi) (14:21): My question is to the Minister for Communications. In my electorate of Indi there is great support for the NBN, and constituents regularly call my office for information. While I know that the NBN is a wholesaler, and marketing is not its key role, there is great demand for more information. Will the minister please encourage the NBN to reconsider its decision to stop community engagement strategies and in fact encourage the NBN to take a lead role in meeting the community's needs for more relevant, more timely and more accurate information?

Mr TURNBULL (Wentworth—Minister for Communications) (14:21): I say again to the member for Indi how gratified I am by the very keen interest she shows in the NBN—considerably more than the member for Blaxland, although I was praising him earlier today for his cooperation on the data retention bill. Under the Labor Party we saw a massive effort to try to exaggerate the progress of the NBN. I have talked about that before. In fact, tens of millions of dollars were spent on advertising the NBN, most often in areas where there was no sight or prospect of the NBN at all. As the honourable member knows, the fixed line rollout in Wodonga has not begun, but there was an NBN truck sent there in 2012 to explain how fabulous it was going to be. The approach that we are taking is a much more measured one.

In the honourable member's electorate of Indi more than 40 fixed wireless towers are in various stages of design and construction. The NBN Co is engaged with the City of Wangaratta, the Benalla City Council, the Indigo Shire Council and the Mansfield Shire Council and has conducted all of the consultation processes that those councils have requested. As the fixed line rollout progresses in Indi there will be more consultation as well.

The honourable member is also well aware that the NBN Co has been very proactive in its engagement with her and her office—a stark contrast to the treatment we received, I might say, when we were in opposition. I can confirm that Justin Jarvis, from the NBN Co's government relations team, visited the honourable member's electorate office in Wangaratta on 3 March, and provided her with a comprehensive overview of NBN activity and publicly released plans for the NBN in the Indi electorate. That follows at least three engagements with her electorate office and with the honourable member herself in Canberra through the NBN Co's government relations in this city. In fact, following her wildly successful question last week, her office was contacted and offered another briefing on the updated 18-month rollout plan. The meeting was arranged for next Thursday.

The government and the NBN Co are very keen to provide to provide her, and indeed all honourable members, with as much information as we can. There are already, in the electorate of Indi, over 7,000 premises where the fixed wireless service is available. There are another 6,000 where the build is underway, and there are 8,000 premises in the national rollout plan, which is currently published to June 2016.

Opposition members interjecting—

The SPEAKER: There will be silence on my left. If question time is going to continue in an orderly manner there will be silence on my left.
**Budget**

Mr BOWEN (McMahon) (14:25): My question is to the Treasurer. Yesterday, the Prime Minister said, 'A ratio of debt to GDP at about 50 or 60 per cent is a pretty good result.' Does the Treasurer agree with 'Captain Chaos'?  

The SPEAKER: I do not know that it really is much of a question. I call the honourable the Treasurer.

Opposition members interjecting—

The SPEAKER: I know it is Thursday and the usual behaviour exempts itself. If people are once again anxious for that early mark, to get the early plane or the bus, an arrangement can be made. If the honourable Treasurer wishes to answer the question, he may. But I find the question was not in order. I call the honourable member for Brisbane.

Mr Burke: Madam Speaker, I rise on a point of order. It is a brand-new precedent if answering questions is now optional for ministers. Madam Speaker, if that is the precedent—

The SPEAKER: The Member will resume his seat. If he cares to go back through previous editions of *Hansard* he will find plenty of precedent.

**Child and Forced Marriage**

Ms GAMBARO (Brisbane) (14:27): My question is to the Minister for Justice. Will the minister advise the House of steps the government is taking to stop children being forced into marriage?  

Mr KEENAN (Stirling—Minister for Justice) (14:27): I thank the member for Brisbane for that question, and I acknowledge the keen interest that she has taken in this issue. She has raised it with me on many occasions. I know that she, like most Australians, has been shocked and horrified to read of recent cases involving the marriage of children to older men in backyard ceremonies.  

In one particular example, an 18-year-old man in Sydney married a 15-year-old child bride. This was only discovered when she took herself to hospital believing she had suffered a miscarriage. Forced marriage is an insidious and hidden crime. It is illegal and there is no place for it here in Australia.  

Today, I introduced legislation to make it clear that children, those who are under 16, are presumed incapable of consenting to marriage and being subject to such exploitation. As a consequence of these changes, anyone who forces a person under 16 to enter a marriage—such as through arranging or officiating over the marriage of a child—will be breaking the law.  

The government is also increasing penalties for those who cause girls to enter into a forced marriage. The current penalties are set at four years imprisonment and seven years where it is considered to be aggravated, such as where the victim is under 18 years old. We will increase those penalties to seven years, and nine years where it is aggravated. This brings these penalties into line with the most serious anti-slavery provisions under the criminal code. The criminalisation of forced marriage in Australia in 2013 signalled to everyone that forced marriage is never acceptable in this country.  

However, the criminal law must be supported by community measures to detect and prevent forced marriage. The government are already doing all we can to educate members of
the community regarding the consequences of forced marriage, and to provide help to those who might be vulnerable to it.

We have invested $350,000 with Anti Slavery Australia to expand its legal advice service to provide direct assistance to people facing forced marriage, including by providing that legal advice through email and text message. We have launched the Forced Marriage Community Pack, which provides information and resources on forced marriage. And throughout April and May we will host a series of workshops in each capital city to raise awareness of forced marriage amongst frontline officers and service providers.

Forced marriage has absolutely no place in the Australian community. It is illegal, it is cruel and it is depraved to force an innocent child to marry somebody against their wishes. This government is reaching out to those mostly young women and girls who may feel vulnerable to forced marriage, because we want them to find help and to stay safe.

We will prosecute anybody found to be coercing, threatening or deceiving someone into marriage, and the legislation introduced into parliament today will help us continue to do that.

DISTINGUISHED VISITORS

The SPEAKER: I am advised that in the chamber today, in the visitors' gallery, we have Rob Kerin, former Premier of South Australia. We make him most welcome.

QUESTIONS WITHOUT NOTICE

Budget

Mr BOWEN (McMahon) (14:30): My question is to the Prime Minister—if he chooses to answer.

The SPEAKER: The member will resume his seat. He will take those words out of his question and ask it properly.

Mr BOWEN: I am happy to oblige, Madam Speaker. My question is to the Prime Minister. In 2013, the Prime Minister said, 'You can never cure too much debt and deficit with more debt and deficit.' So why does the Prime Minister now think that a debt-to-GDP ratio of 50 to 60 per cent is a pretty good result?

Mr ABBOTT (Warringah—Prime Minister) (14:31): Labor's ratio of debt and deficit was 120 per cent. The official Treasury advice is that under the policies of members opposite this is where debt and deficit was going. Debt was going to 120 per cent of GDP and deficit was going to 12 per cent of GDP. That is where debt and deficit were going under Labor. The ouzo economists opposite might shout and scream. They might carry on—

Opposition members interjecting—

The SPEAKER: The member for Parramatta is warned.

Mr ABBOTT: but that is where debt and deficit were going under members opposite.

As the Treasurer said in his previous answer, there is a job remaining to do. There is no doubt about that. There is more left to do but already, as a result of the restructuring passed by this parliament, Labor's debt and deficit is halved. Labor's debt and deficit is halved. That is the strong foundation upon which this year's budget will be built.

And I want to thank the Treasurer and the Minister for Finance for their work. I want to thank the crossbench in the Senate for at least being prepared to engage with this government.
Opposition members interjecting—

The SPEAKER: The member for Charlton and the member for Hotham will both desist.

Mr ABBOTT: The only people who are not prepared to engage with this government are members opposite. They created the problem, and if they had any decency and if they had any honour—if they had any fidelity to the tradition of Bob Hawke and Paul Keating; people who took economic management seriously—they would say, 'All right; sorry. We created a problem, but now we are prepared to shoulder at least part of the responsibility for fixing it.'

So, I say again to the Leader of the Opposition: if you do not like the proposals of this government, tell us what yours are. This is supposed to be the year of ideas; give us some ideas. We do not want many; just one will do. But at the moment the only ideas that we get from members opposite are to repudiate the ideas for reducing the debt and deficit that they had in government. So, this is a good foundation upon which this budget will be built.

Economy

Mr COLEMAN (Banks) (14:34): My question is to the Treasurer. Will the Treasurer update the House on the state of the Australian economy. How will a strong economy help all Australians, including in my electorate of Banks?

Mr HOCKEY (North Sydney—The Treasurer) (14:35): That is a very good question. I thank the honourable member for Banks for that question. Recently, I visited Jenny's Kindergarten in Padstow with him.

Ms Macklin: Very nice!

Mr HOCKEY: It was very nice. They were very welcoming, I must say. The children were very happy to see us. They were certainly smiling.

Opposition members interjecting—

The SPEAKER: The member for Hotham is warned!

Mr HOCKEY: Jenny's Kindergarten is an outstanding example of a modern childcare centre that responds to the needs of its customers. As the Prime Minister has said, the government will soon be announcing a new families package that will help to increase female workforce participation, which is one of the issues that was raised in the Intergenerational report. We need to lift female workforce participation in Australia, because if we could lift female workforce participation in Australia to the same level as that in Canada, we would increase the Australian economy in size by the equivalent of a new Newcastle coming into the Australian economy in the year.

We have made a good start in terms of fixing the budget mess that was left to us. Today, Fitch Ratings agency reaffirmed our AAA rating and said: Real GDP growth is high relative to 'AAA' rated peers—so compared to other countries it is high—and has been more stable, despite reliance on commodity exports, particularly to China.

Mr Conroy interjecting—

The SPEAKER: The member for Charlton is warned!

Mr HOCKEY: I remind the House that iron ore has been our biggest export. When we came into government iron ore prices were around $100 a tonne; today they are closer to $50
a tonne. But, because we have made a good step forward—we have already taken good steps in addressing the legacy of debt left behind by Labor—Fitch have recognised that, and they said: Fitch projects Australia's public debt burden to remain significantly lower than 'AAA' peers in the medium-term even under currently legislated policies.

That is what we have done so far, but there is more to do. Of course, as we get on with the job of fixing the economic and budget mess left behind by Labor, we are endeavouring to strengthen the Australian economy, and the upcoming budget will be about building a stronger economy. I am pleased with the ACCI-Westpac survey of industrial trends released today, which recognised that in the March quarter there was an increase of two points, to 56.2. Importantly, it said:

- Businesses are looking to 2015 to be a better year for profits …

Of course, what we know on this side of the place—

Mr Dreyfus interjecting—

The SPEAKER: The member for Isaacs will desist.

Mr Hockey: is that, if you have successful businesses, you have more jobs for Australians.

**Budget**

Mr Shorten (Maribyrnong—Leader of the Opposition) (14:38): My question is to the Prime Minister. Yesterday the Prime Minister said:

… a ratio of debt to GDP at about 50 or 60 per cent is a pretty good result …

But isn't it the case that Tony Abbott's 'pretty good result' would see Australia lose its AAA credit rating?

Honourable members interjecting—

The SPEAKER: I call the honourable the Prime Minister, and there will be silence for the answer.

Mr Hockey: You caused the problem. You're a joke.

The SPEAKER: The Treasurer will desist.

Honourable members interjecting—

The SPEAKER: The Prime Minister will resume his seat. Not only will the cacophony of sound on my left cease; so will the interjections on my right, including the member for Casey and, indeed, the Treasurer. The Prime Minister has the call, and we will have silence for the answer. If the member for Wakefield wishes to remain in the chamber, he will remain silent.

Mr Abbott (Warringah—Prime Minister) (14:38): Such a question from such a Leader of the Opposition is like the arsonist complaining about the fire. That is what it is: it is the arsonist complaining about the fire. Let me read what I actually said yesterday.

Mr Pyne: Put the hose on him.

Mr Abbott: Yes, let's hose him down. I said:

Debt as a percentage of GDP which would have been 120 per cent under the policies of the former government is about 60 per cent under the policies of this Government—
those that it has already implemented. I went on to say:

Now, that's too high. We want to get it in a much, much better situation than that. We'd like over time to achieve this green line—

that is the green line here, which shows that we fix debt and deficit for a generation but a ratio of debt to GDP at about 50 or 60 per cent is a pretty good result looking around the world, 120 per cent is a dire result and that's what we were going to have under the policies of the former government.

So that is the truth. What did the Leader of the Opposition say? He said, 'We have brought the budget back to surplus.'

Mr Conroy interjecting—

The SPEAKER: The member for Charlton will leave under 94(a).

The member for Charlton then left the chamber.

Mr ABBOTT: The Dr Goebbels of economic policy.

Honourable members interjecting—

Mr ABBOTT: I withdraw. I withdraw. I withdraw.

Honourable members interjecting—

Mr ABBOTT: I withdraw, Madam Speaker. I withdraw.

Honourable members interjecting—

Mr ABBOTT: I withdraw, Madam Speaker.

Honourable members interjecting—

The SPEAKER: Everyone will sit down.

Honourable members interjecting—

The SPEAKER: There will be silence.

Honourable members interjecting—

The SPEAKER: There will be silence now, including from the member for Isaacs.

Honourable members interjecting—

The SPEAKER: I am on my feet. There will be silence.

Mr Dreyfus interjecting—

The SPEAKER: The member for Isaacs will leave under 94(a).

Mr Burke: A point of order, Madam Speaker.

Honourable members interjecting—

The SPEAKER: I will listen to the Manager of Opposition Business but, my goodness, there will be silence!

Mr Burke: Madam Speaker, given the nature of what the Prime Minister said, I ask you to reconsider ejecting the member for Isaacs on that particular comment. I think it is in the interests of the House.
Mr Pyne: On the point of order, Madam Speaker, the member whom you have asked to leave the chamber used exactly the same description about Tony Abbott when Tony Abbott was the Leader of the Opposition—exactly the same description.

The SPEAKER: I said the member for Isaacs will leave, and he will, under 94(a).

The member for Isaacs then left the chamber.

Honourable members interjecting—

The SPEAKER: There will be silence. Now we will have order in this place. The Prime Minister has the call.

Mr ABBOTT: Madam Speaker, I do withdraw, and I do apologise for using that phrase. But the truth is that the Leader of the Opposition was claiming to his people that the government in which he served had delivered a surplus. Far from delivering a surplus—

Mr Watts interjecting—

The SPEAKER: The member for Gellibrand will leave under 94(a).

The member for Gellibrand then left the chamber.

Mr Shorten interjecting—

The SPEAKER: The Leader of the Opposition will also desist and withdraw the term 'liar'. He used a word that was unparliamentary.

Mr Shorten: I withdraw.

The SPEAKER: Thank you.

Ms Plibersek interjecting—

The SPEAKER: The member for Sydney will desist. The Prime Minister has the call. This place will settle down, and we will proceed with question time.

Mr ABBOTT: Madam Speaker, I make the point that members opposite repeatedly declared not just that they would bring the budget back to surplus but that they had brought the budget back to surplus. That is what they said time and time and time again.

Mr Perrett interjecting—

The SPEAKER: The member for Moreton will desist.

Mr ABBOTT: Just about every member of the opposition, when they were in government, claimed that not only would they deliver a surplus but that they had delivered a surplus. In fact, they gave us the worst budgetary position in a generation. We are fixing it. There is a long way to go, but we have made a very strong start.

MOTIONS

Prime Minister

Attempted Censure

Mr SHORTEN (Maribyrnong—Leader of the Opposition) (14:44): I seek leave to move the following motion:

That the House condemns the Prime Minister for:

(1) leading a chaotic and incompetent government which seeks to:

(a) slug Australian students with $100,000 degrees;
(b) rip $80 a week from pensioners; and
(c) rip $6,000 from the budget of a typical Australian family;

(2) putting Australia's AAA credit rating at risk through his own incompetence and mismanagement; and

(3) having no economic plan for Australia's future

Leave not granted.

Mr SHORTEN: What a surprise from a chicken-hearted government. I move:

That so much of the standing and sessional orders be suspended as would prevent the Member for Maribyrnong from moving the following motion forthwith—That the House condemns the Prime Minister for:

(1) leading a chaotic and incompetent government which seeks to:
   (a) slug Australian students with $100,000 degrees;
   (b) rip $80 a week from pensioners; and
   (c) rip $6,000 from the budget of a typical Australian family;

(2) putting Australia's AAA credit rating at risk through his own incompetence and mismanagement; and

(3) having no economic plan for Australia's future

Tony Abbott is the 'Captain Chaos' of Australian politics. He is the captain of a team who has no economic plan for Australia's future. They have no budget plan. It has been 39 days since 39 Liberal MPs voted to get rid of this Prime Minister, yet I heard that in the PMO bunker they look back on that as the golden age of this government. This government has no adoptable economic strategy. This is why standing orders should be suspended.

Mr SHORTEN: Listen to the government say, 'They want to talk about everyone else's plan.' Where is the government's plan? This government is running the classic defence: 'Don't look at us; look everywhere else.' Let's have a look at the plan which they say that they want to maintain. They want to put forward $100,000 degrees for Australian university students, and it has failed in the budget, it has failed when it has gone to the Senate and it will keep failing whenever you call your election.

The real issue for why we should be suspending standing orders is that Australians have had a deep concern that they could not trust Tony Abbott. They deep down wondered: 'Can we trust Tony Abbott?' Many of us have thought you can't. But what has been revealed in recent days, in the nadir of this government's misfortune, is that this government has now junked even any pretence of a surplus. I love hearing these people talk about surplus. In 2012, Tony Abbott, the Prime Minister—I should call him 'the current Prime Minister'—said in 2012 that an incoming Liberal coalition government will bring to surplus in their first year. Remember that promise? Then we saw the old Liberal slip and slide, and they said, 'Well, we'll do it in the first three years.' But the slide did not finish there. This is one of the big slides, like you see at the show. Tony Abbott, who has made many contributions to the English language, invented 'broad balance'. Let me decode what the broad balance budget within five years will be. It is not a surplus.
Then Treasury let the cat out of the bag yesterday. This honest Treasury official, on the way through disowning that piece of propaganda called the Intergenerational report, said that there would be no surplus for 40 years. Australians have heard that right. The Treasury has said that this government cannot generate a surplus for 40 years. And what we have seen, and the reason why we have seen this, is that this so-called 'braveheart' of Australian politics, this crusading Prime Minister—and many of us have had doubts about whether we can trust him—has always had his mantra, his Holy Grail and the item that he politically genuflects before—he has always said 'surplus'. Yet what we have seen is a slip and slide away. Why? Because he wants to save his own job. There is one policy of this government: save Tony Abbott's job. There is only one budget strategy: save Tony Abbott's job.

Now the Prime Minister says: 'It'll be a dull budget. There's going to be something good for families, something good for child care. It'll be dull.' One thing about this Prime Minister is that he is never dull. But what he has done is given up his commitment to ever getting to surplus. That was a core belief. We know that Tony Abbott has trouble keeping his election promises, but at least on surplus—and we might not have liked the way that he would get to it—he has always pushed it. What I have to say to be fair to Tony Abbott here, to be fair to this Prime Minister here, is that it is not a captain's pick to dump everything they believe in or to try and just save their jobs—it is a team vote. This government leaked on each other about whose idea it was to knight Prince Philip, but when it came to leaking on each other about who opposed the bad ideas in this budget there was—unusually for this rag tag mob—radio silence! No-one anywhere can seriously say that they ever disagreed with each other on any of it: the $100,000 degrees, the cuts to family payments and, of course, the pension. The thing about this government is that, at their heart, they do not believe it is the unfairness of the budget which is the problem; they just blame the salesman. Let me tell you: you have got half the answer. You do have a problem with your salesman, but it is more than just who is selling it; it is the unfairness you are selling.

The so-called economic first officer of the nation—I am referring to the Treasurer, in case anyone was confused about who I was referring to—has got less than two months to go for their budget, and they are adrift. What the government often says is that it is just gossip—the inside talk—about the problems they have. Treasury officials have made it clear: it is five minutes to midnight, less than two months before the budget and there is no budget plan.

Mr Joyce: What are you proposing?

Mr Shorten: There is the agriculture minister. You have done enough this week, son! Standing orders should be suspended because we have an education minister who is not a fixer; he is a failure. He is arguably the worst higher education minister that we have ever seen since we had higher education in this country: $100,000 degrees—what a stupid idea; and $2 billion from vocational education, skills and training. The vandalism that they are committing to Australia's schools by cutting $30 billion from schools over the next 10 years is a disgrace.

Standing orders should be suspended because the health ministers have no plan for health. What mind would have dreamed up a GP tax on the sick and vulnerable! Fifty billion dollars cut from Australia's hospitals. That is an important point to remember. This government's last budget, which none of the 'would-be's, 'could-be's or 'never-were's opposite have repudiated,
is a $50 billion cut to our hospitals. The damage that this government is doing to Australia with their lack of an economic plan—to our hospitals—is absolutely appalling.

The real problem here is that this government, unlike predecessor governments of Liberal or Labor persuasion, have no adoptable strategy. They cannot convince the Senate. They act as if having a Senate not of their own political persuasion is a new phenomenon. For many years in Australian history there has been a Senate of a different political complexion to a government. But this is the first time we have had a government who has not got an adoptable economic plan. Australia has no budgetary plan because this government has no budgetary plan that Australians want.

The Prime Minister is the man who loves to get up and say one thing and then apologise—'I'm really sorry'—then do it again and apologise again, as if life is one huge, 'I make a mistake. I am a fool then I repent.' This is not good enough—your budgetary policies. Your $6,000 cuts for families are a bad idea. Your $100,000 degrees are a broken promise. Your cuts to pensions are an outrage. Your cuts to hospitals and schools—$80 billion worth in the next 10 years—are absolute economic vandalism.

If you want to take these rotten ideas to an election, please do it. Give the Australian people an opportunity to have a say on your policies, rather than trying to intimidate the Senate with your broken promises. I also advise the Prime Minister that it does not matter when you bring on the election, the battlelines are most certainly drawn. You love to talk about the way the Liberals can do this and the Liberals can do that—you have not done very much in the last 18 months. You have taken 18 months of the nation's life and wasted the time of the nation.

We believe in universal health care versus your GP cuts, and your GP tax and your healthcare cuts. We believe in access to higher education for all, not $100,000 degrees. We do not share the narrow, extremist philosophy of the education minister, who says that people who have not been to university begrudge paying taxes for those who have. I have never met a parent or a grandparent who begrudged it.

This is a government with no economic plan, and you most certainly do stand condemned.

The SPEAKER: Is the motion seconded?

Mr BOWEN (McMahon) (14:55): I second the motion. The Australian people know that this government is unfair and out of touch, and they know it is chaotic and incompetent as well. They know that, at the heart of the matter, this Prime Minister has no judgement. This Prime Minister has no judgement when it comes to important decisions or important statements. The Australian people never know what is going to come out of his mouth next and nor do the people sitting behind him. Nor do the people sitting behind him know what he is about to say next; who he is about to insult; what policy he is about to change on the run; what captain's pick he is about to make in this 'Captain Chaos' government.

At the heart, we have a Prime Minister and a Treasurer who are not up to their jobs. A Prime Minister and a Treasurer who are not up to the task given to them by the Australian people. At its heart, we have a Prime Minister and a Treasurer who have failed in everything they have set out to do. We have a government which campaigned across the country on debt and deficit—they called it a disaster—and yesterday the Prime Minister says, '50 to 60 per cent is a pretty good result'. No wonder those behind him and the Australian people are shaking their heads at his lack of judgement, at his lack of a strategy, and his lack of an
economic plan. He pulls things out of the air. He insults the Australian people. He insults the intelligence of commentators. He insults the House. It is all an excuse and an alibi for his failures.

But there is one thing that does not change. The excuses change, the alibis change, the story changes day to day and hour to hour, but one thing never changes—the people who pay the price, the ordinary Australians who are working hard right across the country. Australia’s pensioners pay the price for this Prime Minister's lack of judgement and this Treasurer's lack of competence. They are the ones who daily pay the price because at its heart the one thing that never changes is this government's prejudice—prejudice against working Australians; prejudice against Australia's pensioners. That is what never changes. We have a government that campaigned on debt and deficit that then doubles the deficit, and then boasts that they have halved the deficit. It is like Uncle Arthur's car yard! They put the prices up the day before the sale, and then say it is half price.

We have this government which treats the Australian people with such contempt, which pretends that the last election campaign never happened. They would like to pretend the last budget never happened as well, but the Australian people know the last budget happened. The government might prefer to forget it. The Treasurer might pretend it never occurred. The Prime Minister might say: 'We won't make that mistake again. We won't be doing that again.' But the Australian people know what this Prime Minister and this Treasurer in their hearts really want to do.

If they ever get the chance again, they want to do everything they attempted in the last budget and more. They want to cut the age pension. They want to take the age pension down to 16 per cent of average weekly earnings. That is what they want to do. It has been a bipartisan policy for 40 years. Forty years ago an Australian Prime Minister said that Australia's pensioners deserve a share of our growing prosperity. Forty years ago an Australian Prime Minister said that Australian pensioners should have their incomes grow as Australia's wage incomes grow. It was Gough Whitlam who said that. And it was a bipartisan policy—Whitlam was followed by Malcolm Fraser, followed by Bob Hawke and Paul Keating, followed by John Howard—until this Prime Minister and this Treasurer, without a skerrick of a mandate said to Australian pensioners: 'You do no deserve to share in our prosperity. We will make you pay for our mistakes.' That is what we get from this Prime Minister and this Treasurer, who are not up to the job.

They talk of the Intergenerational report, a document that is the property of the Treasurer, that the Treasurer wrote. We had the Prime Minister yesterday claim that the budget will be back in broad balance in just five years—another one of his great statements that his backbenchers just could not wait to hear. The sermon he presented—that the budget will be balance in just five years Forget about the 40 years of deficits after that. 'Nothing to see here,' says the Prime Minister. 'Don't worry about that job, our job is done.'

As Peter Costello said, there is a problem with the government's narrative—there certainly is—but, more importantly than that, there is a problem with the government's substance, there is a problem with the government's competence and, most of all, there is a very big problem with this Prime Minister's judgement. At heart, this Prime Minister is not up to the job. This Treasurer is not up to the job. The Australian people have given them a great honour and, in
return, they have insulted them. They have given them policies which cut their incomes; they have given them policies which are bad for the economy as well as bad for Australian families. The Prime Minister said this week: ‘We won't make Australian families pay for the return of our budget to surplus.’ He tried that last time. The Australian people know he is just not up to it.

Mr Mitchell: Madam Speaker, I rise on a point of order. The members for Dobell and Solomon used unparliamentary language during the Leader of the Opposition's contribution and I ask you to ask them to withdraw, given you have done the same to us on this side.

The SPEAKER: I have to say, in the noise that was carrying on, I am amazed you could hear anything.

Mrs Griggs: I withdraw 'Labor lies'.

Mrs McNamara: And I withdraw 'Labor lies' too.

The SPEAKER: You will simply withdraw.

Mrs Griggs: I withdraw.

Mrs McNamara: I withdraw.

Mr ABBOTT (Warringah—Prime Minister) (15:01): The economy is a serious subject. This House deserves a serious debate, a debate based on facts and not on scares, and that is exactly what I am going to attempt to give the House. I welcome a debate about economic management; I welcome a debate about economic competence—because economic management is taken seriously by members of this government and, on the evidence so far, it is not taken seriously by members of that opposition.

I have been asked by the Leader of the Opposition and the shadow Treasurer: what is our economic plan? It is quite simple. We want to get taxes down; we want to get regulation down; we want to get productivity up; we want to get participation up—because what that will do is create more economic growth. But, in order to get taxes down and in order to take the burden off taxpayers and off business, we have to get spending down too. That is the problem. This country does not have a revenue problem; this country has a spending problem because members opposite built permanent expenditure into our system based on temporary revenue. That is the problem. What we need now to do is to adjust spending so that it is more suitable to the long-term revenue that this country can expect.

I am very happy to have a debate over economic management; I am also very happy to have a debate over competence—because this government did not put pink batts in people's roofs only to see them catch fire and houses burn down and lives lost. This government did not put the people smugglers back in business and produce almost 1,000 boats and over 1,000 deaths at sea. This government did not close down the live cattle trade in panic over a television program. This government did not roll out a National Broadband Network costing almost $100 billion, way over budget and way behind schedule. This government did not introduce a carbon tax, which was socialism masquerading as environmentalism. It is worth repeating not scares but facts. This government has stopped the boats and saved lives at sea.

Opposition members interjecting—

The SPEAKER: There will be silence on my left!
Mr ABBOTT: This government has scrapped the carbon tax and every household is $550 a year better off. This government is rolling out the National Broadband Network on time and on budget. This government has successfully finalised three free trade agreements, which members opposite struggled with for six years. They could not land a single one of the big deals with our major trading partners. Within 18 months, this government has put them in place and, as a result of what this government has done, our major exports to our major export markets will enter duty free. This is a proud record of achievement. It is a record of sound economic management and it is a record of sound, competent administration.

But there is more. This government said, on the election night back in September 2013, that Australia was once more open for business and under new management. I am very pleased to say, as a result of the good work of the Minister for the Environment, that $1 trillion worth of major new projects have been environmentally approved and environmental approval times are at their shortest on record.

So, when it comes to economic management and when it comes to administrative competence, that is exactly what this government has demonstrated. We are serious; members opposite are not. Look at the economic results. Jobs growth in our first year was three times the rate of members opposite's last year. Economic growth was 25 per cent higher in our first year than in Labor's last year. And let me repeat again: export volumes are up seven per cent, housing approvals are up nine per cent, retail trade is up four per cent and interest rates are low and stable. The exchange rate is finally competitive. Petrol prices are at the lowest level in decades. I am not saying that this government controls petrol prices, but it certainly has had a bit to do with power prices, which had the biggest fall on record in the September quarter of last year. This government is delivering.

One of the worst features of debate in this House is the complete absence of any sense of giving credit where it is due and the complete absence of any sense of attributing good faith to people who are doing their best, sometimes under difficult circumstances. The shadow Treasurer—

Opposition members interjecting—

The SPEAKER: Those on my left, who proposed this question to be debated, listen to the debate.

Mr ABBOTT: The shadow Treasurer talked about pensions. The pensioners of this country have had a very good deal under this government, because they have lost the carbon tax but they have kept the carbon tax compensation. The households of Australia have had a very good deal because they have lost the carbon tax, which was hitting them with $550 a year. It is no wonder that confidence is returning to our economy, because this government has a plan. All that members opposite have is one long complaint.

As I have said time and time again, in this House and in the community, not all the restructuring that we proposed in last year's budget has gone through this parliament. I regret that, but in good faith we have been prepared to sit down with the crossbenchers. We would even sit down with the Labor Party if they were prepared to sit down with us and do with us what we were always prepared to do, in opposition, with them. Even so, thanks to the measures that this government has put in place and this parliament has passed, Labor's debt and deficit going forward is halved. A budgetary position that was heading to southern
Mediterranean and southern European levels at a rate of knots has been halved under this
government.

Opposition members interjecting—

Mr ABBOTT: I hear shrieking from the other side of the parliament about this
government doubling the deficit.

Mr Giles interjecting—

The SPEAKER: The member for Scullin is not entitled to speak.

Mr ABBOTT: The members opposite gave us the six biggest deficits in Australian
history, and they were not honest about it going into the last election. Going into the last
election, they told us that the deficit would be $18 billion. What did it turn out to be? Forty-
eight billion dollars—a $30 billion budget black hole that members opposite should have
known about—

Honourable members interjecting—

The SPEAKER: There will be silence on both sides to hear the debate.

Mr ABBOTT: and certainly should have told the Australian people about. This is a
government which was elected by the Australian people to work hard for them for three years,
and that is exactly what we will do. We heard members opposite braying and bellowing
earlier today, 'There will be no surplus for 40 years.' That is what they said. The only way
there will be no surplus for 40 years is if members opposite ever get re-elected to the
government benches. That is the only way. I say to members opposite: what would you do?
You are the alternative government. I say to members opposite: just one idea would do.

But in this, the year of big ideas, the only idea that they have come up with is spending
$100 million more on the ATO to raise a billion dollars. I say: under your logic, spend a
billion and raise ten billion. That is the shallowness and fatuity of members opposite. Look at
what this government has done in 18 months. In 18 months, what have members opposite
done? Just one long complaint. It is just not good enough.

The SPEAKER (15:11): The time for this debate has concluded. The question is that the
suspension motion be agreed to.

The House divided. [15:16]

(The Speaker—Hon. Bronwyn Bishop)

Ayes .................48
Noes ..................86
Majority ..............38

AYES

Albanese, AN
Bird, SL
Brodie, G
Burke, AS
Byrne, AM
Chester, LM
Claydon, SC
Danby, M
Feeney, D

Bandt, AP
Bowen, CE
Burke, AE
Butler, MC
Champion, ND
Clare, JD
Collins, JM
Elliot, MJ
Ferguson, LDT

CHAMBER
AYES

Fitzgibbon, JA
Gray, G
Hall, JG (teller)
Husic, EN
King, CF
Macklin, JL
Mitchell, RG
O'Connor, BPJ
Parke, M
Plibersek, TJ
Rowland, MA
Shorten, WR
Swan, WM
Thomson, KJ
Wilkie, AD

Giles, AJ
Griffin, AP
Hayes, CP
Jones, SP
Leigh, AK
Marles, RD
Neumann, SK
O'Neil, CE
Perrett, GD
Ripoll, BF
Ryan, JC (teller)
Snowdon, WE
Thistlethwaite, MJ
Vamvakionou, M
Zappia, A

NOES

Abbott, AJ
Andrews, KJ
Baldwin, RC
Bishop, JI
Broad, AJ
Brough, MT
Chester, D
Ciobo, SM
Coleman, DB
Dutton, PC
Fletcher, PW
Gambaro, T
Goodenough, IR
Hartseyker, L
Henderson, SM
Hockey, JB
Howarth, LR
Irons, SJ
Jones, ET
Keenan, M
Laming, A
Laundy, C
Macfarlane, IE
Matheson, RG
McGowan, C
Morrison, SJ
O'Dowd, KD
Pasin, A
Prentice, J
Pyne, CM
Randall, DJ
Roy, WB
Scott, BC
Simpkins, LXL
Southcott, AJ

Alexander, JG
Andrews, KL
Billson, BF
Briggs, JE
Broadbent, RE
Buchholz, S
Christensen, GR
Cobbold, JK
Coulton, M (teller)
Entsch, WG
Frydenberg, JA
Gillespie, DA
Griggs, NL
Hawke, AG
Hendy, PW
Hogan, KJ
Hunt, GA
Jensen, DG
Joyce, BT
Kelly, C
Landry, ML
Ley, SP
Marino, NB
McCormack, MF
McNamara, KJ
Nikolic, AA (teller)
O'Dwyer, KM
Pitt, KJ
Price, ML
Ramsey, RE
Robert, SR
Ruddock, PM
Scott, FM
Smith, ADH
Stone, SN
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NOES

Sudmalis, AE              Sukkar, MS
Taylor, AJ                Tehan, DT
Truss, WE                 Tudge, AE
Turnbull, MB              Van Manen, AJ
Varvaris, N               Vasta, RX
Whiteley, BD              Wicks, LE
Williams, MP              Wilson, RJ
Wood, JP                  Wyatt, KG

Question negatived.

Mr Abbott: I ask that further questions be placed on the Notice Paper.

DOCUMENTS

Presentation

Mr PYNE (Sturt—Leader of the House and Minister for Education and Training) (15:22): Documents are presented as listed in the schedule circulated to honourable members. Details of the documents will be recorded in the Votes and Proceedings.

The SPEAKER: Members will take their seats before I call the matter of public importance. I am insisting on respect being shown to the chair. I have never seen such a disgraceful display as I saw earlier this afternoon.

MATTERS OF PUBLIC IMPORTANCE

Indigenous Affairs

The SPEAKER (15:22): I have received a letter from the honourable the Leader of the Opposition proposing that a definite matter of public importance be submitted to the House for discussion, namely:

The need to accelerate progress on Closing the Gap and advance constitutional recognition.

I call upon those honourable members who approve of the proposed discussion to rise in their places.

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

Mr SHORTEN (Maribyrnong—Leader of the Opposition) (15:23): This is a most important matter of public importance. Whilst there is political debate and disagreement on certain aspects of this matter, I remain confident there is more goodwill on this topic across the parliament than ill will, although I do not pretend that the opposition agrees with everything that the government is doing in handling this matter. Labor made the choice to make this a matter of public importance today because we are concerned that progress, in terms of Closing the Gap and the general tone of political debate about Indigenous policy in this country, is stalling.

We do not say this lightly. We acknowledge the government is doing some things in some areas. But we saw a debate last week with the Prime Minister's comments about closure of small communities. There was reference to it being a lifestyle choice and that the taxpayer should not be expected to back in a lifestyle choice of Indigenous Australians who live in
small communities. I actually believe that there is interest from the Prime Minister in terms of the general progress of Indigenous Australians. But I do not think anyone thought that those particular comments advanced the cause at all. It was on that basis that I spoke to a range of Indigenous leaders in our community because, whilst it is easy just to attack a stupid comment, there are more serious matters at stake here. How do we make sure that Indigenous policy remains in the mainstream of political debate?

The problem with unwise comments, to put it at its most generous, is that it allows polarisation of political views. I know that the Prime Minister has a genuine interest in matters to do with Indigenous policy. Even if we might disagree with the cuts that the government has made, the greater concern for me is that Indigenous politics is going backwards in this country. I would suggest today, in this matter of public import, that there are a range of opportunities for us to pursue, and I hope that when the government speakers get up they do not do their usual: 'It's just Labor's fault.' There are opportunities which we need to work together on.

I wrote to the Prime Minister after speaking to Indigenous leaders after his comment was reported and I said it is overdue for us—meaning Tony Abbott and me—to meet with a range of Indigenous leaders together in this country. There is a lot of talk in Australia about the need for bipartisanship. On some issues it is possible; on some it is not. Bipartisanship does not make the same headlines as conflict. I understand that. But on this matter of Indigenous policy I have now said to our Prime Minister on six occasions from the last third of last year, after interim reports were released by hardworking parliamentary committees in terms of constitutional recognition, that we need to sit down with Indigenous leaders in this country. I acknowledge that Ken Wyatt is here. He is doing a great job. I acknowledge Alan Tudge is here. He is very committed. I acknowledge that there are many people—all the Labor people here from our shadow spokespeople in Health and Indigenous Affairs—who will speak in this debate and who are doing great work. But what we need to do is sit down with leaders from Aboriginal and Torres Strait Islander communities and get the debate about Indigenous policy back on track.

Today is the seventh anniversary of the signing of the Close the Gap Indigenous Health Equality Summit Statement of Intent. It is a foundation goal of the Close the Gap framework. Sometimes in politics people like to talk about the right of freedom of speech—it is very important—the right to join a union or the right not to join a union. There is plenty of talk about rights here. But I think there is another basic right which does not get enough discussion. It is the right to grow old. This is not a right which is equally allocated to citizens in Australia. Depending upon whether or not one is an Indigenous Australian, the right to grow old is different, and that is unacceptable to all of us. We need to have this discussion on how we can improve the Close the Gap targets. A big part of that is constitutional recognition.

We need constitutional change that Aboriginal and Torres Strait Islander people can support, vote for and proudly own. I know that whenever you talk about constitutional change in this country there are different points of view, and that is understandable. Changing the Constitution is a venture not taken on lightly. The last time we changed the Constitution was back in 1977. It required both political parties to support it. Constitutional recognition for our Aboriginal and Torres Strait Islanders in our Constitution will require both of the major parties to support it. I am concerned that this debate is drifting off course, as with earlier
examples I have used. I think it is important that the Prime Minister of Australia and I meet, as a matter of priority, a gathering from a range of Indigenous leaders and we talk about how we can have genuine change. The Prime Minister has taken an interest in this matter. That is undeniable. I have had fruitful meetings with him. But it is not enough to specify that we may want the referendum at a date no later than 50 years after the previous referendum in 1967. We need to settle the question, and we cannot settle the question without talking to the leaders of Indigenous Australia, and it has to be more than symbolic change.

I understand there are some on the conservative edge of Australian politics who see that any change to our national birth certificate—the Constitution—should be viewed very suspiciously. I know there are some who jealously guard against saying that if we start extending a bill of rights and codifying it then we create a litigation nightmare and somehow the Constitution has changed. I ask those constitutional conservatives to pause, to reflect and to give some room for their leader, the Prime Minister, to sit down with me and Indigenous leaders to identify how this nation can put our first Australians on the 'national birth certificate'. We should not have such low expectations of achieving no change at all or very little change. I am not radical in terms of constitutional change; I understand that we have to bring non-Indigenous Australians on the journey. But I am concerned that, without constitutional recognition, Indigenous politics in this country will go backwards. It is a test not of Indigenous Australia but of this parliament and Australia as a whole.

When it comes to talking with Indigenous leaders, I believe there is space available in the political debate for the Prime Minister and I to meet with Indigenous leaders without it being breathlessly seen through the spectrum of whether Tony Abbott will alienate the right of his party or whether Labor is moving too fast or too slow. The media of Australia have in most cases been very supportive of this debate. Let us all together create the room to have a gathering with leaders across the spectrum of Aboriginal and Torres Strait Islander Australia to agree that we want to make sure that Indigenous politics and policy are at the centre of our national debate. Not everything can be fixed by everyone sitting around the table, but I think most things can be.

If we do that gathering, then I think that the Prime Minister and I should subsequently meet and talk about the unacceptable rates of incarceration in this country. It is not beyond our wit and wisdom in this country to change the ratio that currently exists. A young Aboriginal man is more likely to go to jail than university. No-one wants that, no-one from any side of politics. Again, there is no moral superiority from any particular point of view on this issue—we all agree—but Labor is suggesting that we need to get together with Australia's Indigenous leaders from the range of groups and talk. And, more than just talking, we need to listen. When it comes to the 'lifestyle choice' debate I accept that there are points to be made about access to education, about living securely and safety and about jobs. But where the debate is going off track is that I do not believe sufficient listening is being done by the people in power—and I include the parliament; I am not saying it is just the government—to Indigenous Australia. When it comes to Closing the Gap targets, incarceration and dealing with family violence in Indigenous communities we are beyond the time for just talking generally, one-liners in press conferences and press releases and fly-in fly-out visits.

What we now need to do is sit down together, both sides of politics, the Prime Minister and I, at a gathering of Indigenous leaders in this country and say: 'All right, we need to
understand your view. We don't necessarily need a lot more research or a whole lot more talking, we need to understand what your view is.' We need to set ourselves a task of work that can we measure. We have got Closing the Gap—remarkable accomplishments—and Labor has called for a justice target to be added to that. But it is overdue for Tony Abbott and I to sit down with Indigenous Australia and convince them that we are fair dinkum about constitutional recognition. Indigenous Australia has little to convince us of. Our challenge is to convince Indigenous Australia that we are listening.

Mr TUDGE (Aston—Parliamentary Secretary to the Prime Minister) (15:33): I rise to speak on this matter of public importance. I appreciate that, in the main, the Leader of the Opposition did not try to make partisan points in this debate. Indigenous affairs has typically been above partisan politics. If you look back at the history of the efforts which have been made by governments of both persuasions, none of us has had a terrific track record on it despite enormous goodwill on both sides and the billions of dollars which have been invested. I do think that Australians want both sides of the parliament to work together for the advancement of Aboriginal people and leave the partisan politics behind us as much as possible.

I reflect upon the Prime Minister's Closing the Gap speech earlier this year, in which he said:

For so many of us in this place, few things matter more than the lot of Indigenous people. For so many of us, this is personal—not political.

I know that that is absolutely the case for the Prime Minister, who has made the advancement of Indigenous people one of his handful of top priorities, which is really the first time that has been done by an Australian Prime Minister. And it is personal to me. I have worked on and off with Indigenous people and Indigenous organisations for 15 years now, including giving up a corporate career to go and work with Noel Pearson for three years up in Far North Queensland. So it is important for me personally, it is important for the Prime Minister personally, it is important for our side of politics and, indeed, it is important for the other side.

I was disappointed, though, with the Leader of the Opposition's comments in relation to the debate we had last week on remote communities. In an interview, he suggested that the Prime Minister just wanted to move Aboriginal people off their land. I thought that was beneath the Leader of the Opposition. I appreciate that, in the main, the Leader of the Opposition did not try to make partisan points in this debate. Indigenous affairs has typically been above partisan politics. If you look back at the history of the efforts which have been made by governments of both persuasions, none of us has had a terrific track record on it despite enormous goodwill on both sides and the billions of dollars which have been invested. I do think that Australians want both sides of the parliament to work together for the advancement of Aboriginal people and leave the partisan politics behind us as much as possible.

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What did happen in relation to that debate, which the Leader of the Opposition was referring to, was that, firstly, there was an agreement made between the Australian government and the Western Australian government to transfer responsibility for municipal services from the Australian government to the state government—because the state government is closer to the ground, through local councils who run municipal services everywhere else in Western Australia. That was the first thing that happened.
The second thing that happened was that the Western Australian government had made at least some decisions, if not an indication, that they wanted to look at some of the very small communities in terms of the ongoing investments that were made there. Those very small communities—they are in the hundreds, I believe—typically only have one or two families. I was informed today that there were 130 communities, as you might call them, consisting of 500 people in total. These are not the larger settlements that we talking about. These are the very small ones. I met with the Western Australian minister for regional services today. He informed me that no decisions have been made. Rather, he is starting to think about some 10-year planning, and deep consultation will occur during that process. That is what is going to occur.

We do need to have a mature discussion about the remote communities, because in many cases they are not healthy places. We all know that. Despite the investments which have been made into those communities, they are not healthy places. In many cases there are very few jobs available. The statistics show—and I appreciate that the member for Lingiari is upset at me for saying this—that in many cases there are very few jobs in those locations. The proportion of young people aged 17 to 24 who are in full-time work or training is only 17 per cent in the remote communities. We do need to think deeply about that, because we know that if people are not engaged in education or in work then their opportunities going forward are so much narrower. At the same time we want to ensure that connection to land is there, that the culture survives and that the culture is enhanced. They are some of the difficult discussions, the mature discussions, which were occurring over the last week—at least in some quarters.

I would like to pick up on another point that the Leader of the Opposition made in his debate. In essence, probably the most substantive point he made was that we need to be talking to Indigenous leaders and Indigenous people and we need to be listening to them—and he is absolutely right. We need to be doing that, and we should always be doing that. But the implication was that the government has not been doing enough of that or has not been doing much of that at all. I would just like to correct that, if that indeed was the implication.

We have an ongoing engagement and an ongoing discussion with Indigenous leaders. We do that in part through the Prime Minister's Indigenous Advisory Council. We do that in part through the Prime Minister spending a week in a remote community each year as he has done for, I believe, the last 10 years—and he has continued to do that as Prime Minister. No other Prime Minister has ever done that. He does that in part through the work which Nigel Scullion, the Minister for Indigenous Affairs, does in speaking to people across the country on a very regular basis. He does that in part through me, as his parliamentary secretary, supporting him in this agenda in terms of my engagement and travels with these people. He does that through the members of parliament, many of whom are in this chamber now, who represent areas with significant Indigenous populations. And within this chamber, sitting here—and speaking in the future—is the first Indigenous member of the House of Representatives, Ken Wyatt, who we are very proud of.

When we came to government we did a number of things immediately to advance the Indigenous cause. First of all, we put the Indigenous programs underneath the Prime Minister, so we have a Prime Minister for Indigenous affairs. This gave Indigenous affairs status and it gave it greater authority. Next we made some decisions at a philosophical level to put some
sharp focal points around school attendance, work and community safety. Why are those priorities? Because, in some respects, kids learning from adults and adults working for sustenance has underpinned every thriving community for all of human history. If you fail to have kids learning from adults and if you fail to have adults working for their sustenance, then it is so much more difficult to address some of the other issues. If people are educated and people do have jobs, then typically other things tend to take care of themselves. Hence our absolute sharp focus on those three things.

We have made some governance changes which are designed to streamline the approach and devolve power down to the regional level so that our officials can be problem solvers, not just contract managers—and we are in that process presently. Finally, we have already put in place many practical measures to improve and assist with the advancement of Aboriginal people across the country. Those very practical measures include some of the school attendance measures which are already in place, many of which have had terrific success and seen school attendance rates go up by 15 percentage points. There are other places where we have not had the same sort of success we would like to have had.

We have had 5,000 jobs created through what is called the VTEC, which is training into a job—such a different way of doing training than the traditional 'training for training's sake'. We have done many other initiatives, which are being informed by the Forrest review, including this week when we announced that we will have a procurement target of three percentage points. We have announced that we will increase the Indigenous employment rate, and we will be making more comments about what corporate Australia can do as well. None of these are easy. All of these are on the path to improving and advancing Indigenous peoples, and we look forward to working with Indigenous Australians in this cause.

Mr NEUMANN (Blair) (15:43): First up I want to congratulate the Close the Gap Campaign Steering Committee and Oxfam for bringing more than 200,000 Australians together to take a stand to support Aboriginal and Torres Strait Islander health equality. I want to congratulate them for the work they do. People from all walks of life have come together at events around the country to pledge their commitment to making sure that we improve the health and life expectancy of Aboriginal and Torres Strait Islander people in this country.

The Leader of the Opposition correctly outlined that Labor remains ready, willing and able to negotiate with the government in relation to constitutional recognition. But, as Aboriginal and Torres Strait Islander people have said to us, 'Nothing about us without us', to quote Les Malezer, who is the co-chair of the National Congress of Australia's First Peoples. And the feedback we have got on our joint select committee on constitutional recognition is that preamble or symbolic change to our Constitution is simply not acceptable but that indeed real and substantive change based on the recommendations of the expert panel, including serious consideration of section 116A of the amendment to the Constitution, should be looked at in terms of what we are doing.

But one of the first things this government did was cut $534 million from front-line services to Aboriginal and Torres Strait Islander people, many of them community controlled services, and one of the first things they did was claim that it was all an efficiency dividend, red tape reduction and bureaucratic streamlining. In fact, that is not true. In fact, in Senate estimates it was shown that it is clearly the case that front-line services have been cut across the country. Language and learning funding has been cut, and $43 million of funding to legal
aid services has been cut across the country. In the Northern Territory, NAAJA cannot deliver the kinds of services they need there. In urban areas as well, where Aboriginal and Torres Strait Islander people live mostly, services have been cut.

But we have a Prime Minister who does not understand the connection between language and land, between culture and country. And making those disgraceful and insensitive remarks in relation to lifestyle choices cannot be dismissed. You cannot ask Aboriginal and Torres Strait Islander people to support you in constitutional recognition and not apologise as Labor has called for. You cannot cut $534 million in the budget and then say that it is of no consequence, and you cannot run out a so-called Indigenous advancement strategy—which we call an Indigenous confusion strategy—and roll out only a small amount of money compared with the $2.3 billion that was supposed to be available. We have front-line services delivering a range of programs—tertiary tuition, legal aid services, language services, support for mums and dads, anti-domestic-violence services, support for children, and children and family centres. They have been cut, and cut again, and the government does not realise the consequences. You cannot close the gap by cutting your way to it. It will not work.

So, the Leader of the Opposition has written to the Prime Minister saying that we need to sit down with Indigenous elders and have a conversation with them and try to advance this and get this back on track, because the government does not appreciate what they have done. I think there are people of goodwill on that side with the intention of closing the gap. And I acknowledge the Prime Minister's personal commitment. But he does not quite get it, and I think people on the other side do not quite understand the consequences. I have seen it in Cherbourg in South-East Queensland at an Indigenous settlement there, and in Glebe in Sydney, where there is a large population, and in the Torres Strait, meeting with the Torres Strait Regional Authority, and in Tasmania, with the Aboriginal and Torres Strait Islander people being treated so shabbily in the long history of this country, and in Western Australia, where services for remote communities are being cut without any consultation. And the Prime Minister thinks they should be compliant and should be going ahead with the constitutional recognition. What is he talking about, dispossessing these people who have had 200 years of disadvantage and dispossession and discrimination? And he wants them to go with him? This is a cause we should all adopt and believe in, and there are people on that side who believe in it too, and I urge them to change the Prime Minister's mind, have this meeting, sit down with respected Indigenous leaders and try to get the Close the Gap strategy back on track.

Mr Wyatt (Hasluck) (15:48): I thank the Leader of the Opposition for this debate today, because there are many elements of Closing the Gap in constitutional recognition. It is progressing, but there are many gaps in the whole process. I listened to the Leader of the Opposition talk about the notion of both he and the Prime Minister meeting with Indigenous leaders, and that is important. But on eight occasions in this parliament I have challenged every member to get out through their electorates, including senators, and meet with every Aboriginal organisation, every Aboriginal community, to look at what the gap is that exists, because it will bring about closure of the gap more than any other initiative if members of both chambers get to understand what their constituents experience, what their constituents are troubled with, and then come back and advocate for the reforms and changes that are needed.
I have been around for a while in Aboriginal affairs, in education, health and 99-year leases of land. And the thing that comes out every time is that the elders say: 'We are consulted with, we are talked to, but nothing changes. What we want is real change on the ground. The other part of the equation, if we talk about just constitutional recognition, is that I would also want the Prime Minister and the Leader of the Opposition talking to non-Indigenous Australians. They hold the majority. That is where we also have to convince—that the strategy of our thinking must be inclusive of a society but at the same time be inclusive of the reforms that are needed across every facet of the lives of Aboriginal and Torres Strait Islander people who live across this great nation of ours.

I once spoke to a group and said to them, 'Nothing will change until we understand the community and the problem, what the problem is and why we need to change, what the level of buy-in is by both parties'—in other words, the community and the government agencies that often come—and then clarify it by finding out what is really going on, what is happening on the ground that is not working, and what is working. If incarceration rates are having a significant impact on a particular community, then let's look at the issue and see what it is that we have to resolve and change. And then how do you ensure that a community voice is heard in that process?—because that is an important element. And who can prevent change from being successful?—because there are people who are gatekeepers, and we have not tackled that issue in Aboriginal affairs. On constitutional recognition, the constitutional conservatives are the gatekeepers of any change to the Constitution. So, again, we need to engage in the discussions, because I know that in the hearts of many Australians there is strong goodwill, and I know that the Prime Minister is committed to ensuring that the Constitution has some substance in it—not the minimalist approach. We need to build the best possible solutions in bipartisan approaches. I have said previously that it would be great to have a 10-year plan to commit governments and oppositions to a strategic approach in which communities know what is occurring, and know that the change that is emerging is going to be real.

And then we have to make it happen, because if change is to happen we need to negotiate and have an agreement with both parties. Everywhere across this country, what I see littered under all governments is the consultations, the discussions and the negotiations with little change occurring. With responsibility from governments there is also an obligation. There is also an obligation to sit with people and to work through and nut out what the desire that they seek is. There will be issues around land. I ask every member, if we are going to close the gap and achieve constitutional change: get out into your seats and electorates. Go and have the discussions with every key leader, both Indigenous and non-Indigenous, because if we want these changes to be successful, then bring people with us.

That is why the committee has suggested that we have both chambers of this parliament concurrently debate the issue of constitutional change. The people we represent will hear our voices and know our stance. They will know our level of commitment to the changes that are needed. I commend all of those, over the years—and, in particular, those in the Abbott government—who are working to effect change that will bring about what is needed within Aboriginal and Torres Strait Islander communities.

Ms KING (Ballarat) (15:54): There has been no greater failure in Australian public life than the failure of governments, both state and federal, Labor and Liberal, to ensure that our First Australians enjoy the same quality of life as all other Australians. Australia now has a
standard of living and a quality of life that is the envy of the world. Australian men and women can now both expect to live beyond 80, one of only two countries where this occurs—except if you are an Indigenous Australian. We have among the world's best health outcomes. Our cancer survival rates, for example, are world leading, and our infant mortality is at record lows—again, except if you are an Indigenous Australian. If you do become ill, you can count on the support of a world-class, free universal health-insurance system—our healthcare system, Medicare—to look after you every step of the way—except if you are an Indigenous Australian and cannot access it.

It is true that we are making progress. There have been some improvements. Life expectancy for Indigenous Australians has increased by 1.6 years and 0.6 years for men and women respectively over the past five years. But that still leaves life expectancy of Indigenous Australians at around 10 years less than for the rest of the population.

It still leaves us as two nations, where most of us can expect to enjoy extremely long and mostly healthy lives, while in other parts of our nation it is another country, with a lifespan usually found in third-world countries on another continent. That is a terrible loss of lives. Lives are being ended far too soon and parents are not living long enough to see their grandchildren, due, more often than not, to health outcomes we do not tolerate in the wider community. There are issues like smoking, where there is a much higher prevalence among Aboriginal Australians, and diabetes and the problems caused through obesity. Twice as many Aboriginal and Torres Strait Islander infants as non-Indigenous infants are born of low birth weight, denying too many babies even a decent start of a healthy life. Just today, the Australian Institute of Health and Welfare's report on admitted patient care finds Aboriginal people are hospitalised at double the rate of the rest of the population.

Tomorrow marks the anniversary of Kevin Rudd's 2008 signing of the Close the gap: Indigenous health equality summit: Statement of intent. It is why this debate has been brought on in this chamber. It is no accident, from this side of the House, that it is the Leader of the Opposition, two shadow cabinet ministers and two other members of the ministry who are here debating this notion. We take this very seriously.

The statement that was signed in 2008 declared that the government of Australia and the Aboriginal and Torres Strait Islander peoples of Australia would:

…work together to achieve equality in health status and life expectancy between Aboriginal and Torres Strait Islander peoples and non-Indigenous Australians by the year 2030.

Sadly, the release of the Close the gap: progress and priorities report 2015 revealed how far we still have to travel to meet this goal. As I declared at the outset, no one government or party is to blame for all of this. But what these latest figures show is that now is not the time to be removing resources from this area; it is the time to be ramping them up, to making sure there is certainty for Indigenous health organisations across the country so they can continue this good work. This is why, of course, on this side of the House, we were so distressed by last year's budget, which saw half a billion dollars in cuts to Closing the Gap programs, including $165 million taken from Aboriginal and Torres Strait Islander health programs alone.

These cuts are being felt in communities at the coalface of the fight to close the gap. Amity Community Services in Darwin, for example, was forced to cut its program combating substance abuse among vulnerable young people. There was $2.3 million axed from youth...
sport, health and education services at the MacDonnell Regional Council. Organisations such as the Congress of Aboriginal and Torres Strait Islander Nurses and Midwives do not know what is happening to their funding—which comes through the Health Department—beyond June 2015.

If we are to close the gap and improve health outcomes in Aboriginal and Torres Strait Islander populations we cannot take funding away from these programs. There should be an outcry, on all sides of the parliament, that there are decisions to do so. Concern about what these cuts do needs to be expressed—whether it is publicly or internally on that side of parliament. We know they do have an impact on the services and the capacity of Indigenous organisations and Aboriginal medical services to actually deliver these important services. On this side of the House, we are committed to closing the gap.

Ms PRICE (Durack) (15:59): Thank you for the opportunity to speak on this matter of public importance. I acknowledge the desire to accelerate progress of closing the gap. At the same time, I acknowledge a number of other things. My government does have a plan to close the gap, and that plan is being monitored, measured and adjusted.

I believe that we are united with those opposite to see the plan deliver real, life-changing outcomes and that we all wish to see speedier progress. We agree that governments—just like those opposite—have tried and failed, and that there are no simple answers. Certainly money is not the answer. And I agree that divisive debate is not helpful.

I also note that to close the gap we must work together, because nothing is more important for me, as the member for Durack, and for my Indigenous Durack constituents. Transformation cannot be rushed. A long-term focus on health and wellbeing is required to underpin progress in education, schooling, jobs and meaningful work, safety and security.

To put his debate in perspective, I think it is helpful to reflect on some of the targets outlined in the recently released Closing the gap report. Closing the gap in life expectancy within a generation is not on track. Halving the gap within a decade in mortality rates for Indigenous children under five is on track for the longer term. So that is some good news, there.

With respect to closing the gap between Indigenous and non-Indigenous school attendance within five years, new targets have been set against the 2014 baseline to close the school attendance gap by 2019. I am assured by Minister Scullion that we are starting to have some wins in that respect. So we have seen some improvement but, overall, this is not a good report card. As government continues to develop programs and policies, the process involves audits, assessments and reviews of what does and does not work. We are aware of the review work around service providers and contracts, and we are seeing a shift. Increasingly, providers will be rewarded for results; not for spending time on process.

Accountability must improve. Governance must improve. The government is focused on putting in place the right parameters in order to achieve quality outcomes for Indigenous people. There is much to do, and we wish to accelerate progress, but not at the risk of diluting real sustainable outcomes that will improve the lives of Aboriginal Australians.

As I like to do in these debates, I will turn to my electorate of Durack. My role is to lobby and work to improve the lives of Aboriginal people in Durack. I have the best electorate in Australia—big, beautiful and challenging—with 90,000 constituents and 1.6 million beautiful
square kilometres. And with 274 Aboriginal communities in Western Australia, the majority of which are in Durack, I have a lot of skin in the game. No-one wants to see Aboriginal people forced to leave the land they love—been there; done that. We know that did not work.

I respectfully acknowledge that today is the national day of action against closure of Aboriginal communities. I want to assure the people at the rallies in Geraldton and Canberra—and in other rallies that were held in my electorate of Durack today—that I firmly believe that there is no intention of the state government of Western Australia to start closing Aboriginal communities. I have received that assurance personally from Premier Barnett.

As the parliamentary secretary said earlier in this debate, Colin Barnett has some work to do around remote Aboriginal communities. There is an acknowledgement that there needs to be more consultation, communication and planning. As I understand it, his deliberations will take account of a number of constraints. That will not be a surprise to any of us here.

Many of the 274 remote Aboriginal communities are small. Realistically, it is difficult to provide education, health and employment opportunities in these communities. There are 1,309 Aboriginal people living in 174 of the smallest communities. That is an average of just 7.5 people in each of those 174 communities. I think it is very important for us to keep that in perspective when we are talking about what is a community.

Of course, there are other, wider issues around alcohol, drug abuse, a lack of employment, and inadequate health care and education. The state government of Western Australia will have no choice but to deal with all of these issues. I agree with the member for Hasluck that it will take the Indigenous and non-Indigenous leaders to come together to truly bring about the closing of the gap. Thank you for the opportunity to contribute today.

Mr SNOWDON (Lindiari) (16:04): I am very pleased to be able to participate in this debate, and follow the Leader of the Opposition, who was the first speaker in this debate on a matter of public importance. I congratulate him for a very eloquent speech, and for putting in proper context the need for constitutional change, and what we should be doing about it. I implore the Prime Minister to respond positively to the approaches the Leader of the Opposition has made directly to him to convene a meeting of Aboriginal and Torres Strait Islander leaders and elders to sit down and talk about issues to do with constitutional change, and, no doubt, other issues such as closing the gap.

That is what I am going to discuss today. I want to thank the member for Blair and the member for Ballarat for their contributions. I thought they outlined, in a very succinct way, the issues which we need to confront in Aboriginal health, for example. I also want to acknowledge the member for Aston, the member for Hasluck and the member for Durack.

I would say to the member for Aston: you have a hard job to do—I respect that—but coming up here and trying to defend the Prime Minister's stupidity in making a statement around lifestyle choices was not a very good picture. I say this because last week I travelled around parts of my own electorate in the Northern Territory and visited small Aboriginal communities where people raised with me their concern about what was going to happen. Whether or not it was an accurate reflection of what the Prime Minister meant is not the point here. The perception in the community—this is the point—is that this is what is going to happen. That is the concern.
The problem we have here is that the member for Aston says that it is very important to talk to people. Absolutely! Why doesn't the Prime Minister sit down and talk and listen? He should look, listen and learn—very fundamental things—instead of opening his mouth and letting the wind blow his tongue around. That is the wrong thing to do. I say to him again: I am always prepared to take any member of the government or opposition to Aboriginal communities across the country—but most particularly in my communities—and show them how to talk and listen, because that is what it should be about. We should be very concerned about scaring people.

I want to make some observations about the health measures that have been taken by the government. I want to say to the Assistant Minister for Health, Senator Nash, that I am with her on their implementation of the National Aboriginal and Torres Strait Islander Health Plan. If we are to bring about a closing of the gap in the way we want to do then adopting the health plan which we developed while we were in government is a very important step. I am looking forward to seeing the draft implementation strategy when she feels free to make it available to me.

But I also want to say to her that I congratulate the government on the guarantee of certainty at least—whether or not the quantum is sufficient is a different matter—for the core funding for Aboriginal community controlled health services across the country. There are issues around the funding of these health services in terms of the abysmal Indigenous Advancement Strategy, the confusion which has emerged as a result of that strategy and the loss of funding across communities around Australia as a result of that strategy. You cannot on the one hand talk about closing the gap and on the other hand cut the programs which are providing the services which will lead you to close the gap, which is exactly what this government has chosen to do. That is a mistake, and it just shows the folly of the decisions which have been taken by this government since it came into office 18 months ago.

The decision to transfer into the Department of the Prime Minister and Cabinet Aboriginal and Torres Strait Islander issues was in part, I guess, motivated by the right ideals, but let's just be very clear: the health functions which are in the Department of the Prime Minister and Cabinet should go back immediately to the Department of Health. That is very clear, because people are very concerned about the uncertainty that has arisen around these health measures that have not been funded.

I want to say also that the reason we can stand here proudly and say we are making improvements in many areas is the work of Aboriginal community controlled health organisations across this country. Their innovation, their respect now for good governance and their approaches to governance are to be applauded. Their service delivery models—which are amongst the best in the country, if not the world, in terms of primary health care—need to be applauded, as do the preventive health strategies they put in place, despite the frustrations of having $165 million taken out of that bucket of money during the last budget. They could do a lot better if the government were fair dinkum and did not cut those funds from the last budget, and they will do a lot better if the government puts the money back.

Dr Gillespie (Lyne) (16:09): For this MPI, I would just like to place on record that I fully support the Closing the Gap process. The coalition fully supports the Closing the Gap process. From the Prime Minister down, there is enormous commitment, which is long lasting and not a blow-in event. There is a long personal commitment by the PM to this process.
We all want to improve the health and life expectancy of our Aboriginal citizens, but with a 10-year gap it is closing slowly. That is a cause of great disappointment, particularly with last year’s figures, but we need to take a reality check. It will take a generation. It is not going to happen over a year or two. A lot of these health figures will persist, because there is a lot of disease in existence already. You only have to look at diabetes and renal failure amongst central Australian Aboriginals.

The other reality check that I call on the House to make is that the federal government cannot do it all. We can do what we can do, and the current coalition government is committing an awful lot of taxpayers' dollars to it, but it goes beyond money being spent. It has to be spent well, spent effectively and not wasted. This year alone, there is $1.4 billion allocated to Indigenous health strategy out of $3.1 billion over the term of this government. There is a total of $4.9 billion in the Indigenous Advancement Strategy and, in this first funding round, $860 million.

So not only should communities and individuals buy into the process; if a problem exists now with a lot of diseases like diabetes that are caused by obesity, we need a change in behaviour, and that does not happen overnight. It is going to have to start at a very early age, by keeping families together; developing parenting skills; dietary change; school attendance; a long-term commitment to nutrition; avoidance of smoking over a lifetime; and avoiding solvent abuse, which unfortunately is too common among youth in some of these communities. Diabesity—diabetes caused by obesity—is a massive problem across all of Australia but is particularly evident amongst Aboriginal citizens.

Not only should governments buy into this but there are community groups that buy into it. There are a few in the Lyne electorate and around Australia that have a great track record. One of them that has worked well in Queensland, the Northern Territory, Western Australia and parts of New South Wales is the Clontarf Foundation. It uses sport as an Indigenous behaviour change encouragement principle, rather than the 'big stick' principle. It gets young Aboriginal men into school around sport. School attendance rates go up. School completion rates go up. Incarceration rates amongst the cohort that has been through Clontarf Foundation schools drops. Employment and training completion rates are higher than for those that have not been to it. So I thoroughly encourage those sorts of programs.

The Smith Family partners with families and mentors children to complete school. Things like that do not just happen in one year or two years; it takes a whole generation. There is in Taree a group that is trying to get a wraparound centre up and running so that we can train any families that are struggling with family and nutrition skills and health in little babies so that we get them even into preschool, because if they go to preschool for a year they do better at school. Again, a wraparound centre in Taree would be an excellent outcome, and I will continue to fight, with Rosemary Sinclair and others in the Taree community, to get that achieved. Just in this last funding round, $8.5 million over three years was announced to continue and increase the funding of the Biripi Aboriginal Medical Centre and $11.3 million for the Durri.

In terms of the constitutional change, there is a desire amongst both sides to get this issue resolved, but we need to know exactly whether it is a change to the preamble, removal of offending parts or just a separate mention to protect the identity and heritage. *(Time expired)*
Mr STEPHEN JONES (Throsby) (16:14): Today is the seventh anniversary of the first Closing the Gap agreement. I regret to say that it has not been met with happy news, because less than three weeks ago, when the Prime Minister stood at that dispatch box and handed down the annual Closing the Gap report, we took no joy in finding that five out of the seven targets that have been identified—targets which are aimed at addressing the gap in health, education and employment outcomes—had not been met. That is to say: we are failing what we are setting out to do, not as a government, not as a parliament but as a nation.

In addition to that, we learnt, as the member for Ballarat and the member for Blair said in their addresses on this MPI, that the Australian Institute of Health and Welfare has today told us that we are failing to address the inequalities in a number of other areas. For example, if you are an Aboriginal person, you are three times more likely to be hospitalised for a preventable disease. If you are an Aboriginal person, you are six times more likely to have a disease which is preventable by vaccinations that are available to every other Australian. It is a shame upon all of us that somebody is being hospitalised for a preventable cause or that they are catching a disease for which there is a vaccine available to every other Australian.

In addition to that, we see that smoking rates are more than double that of the general population. When we look at the amount of money that is being spent out of the fantastic Labor initiatives, such as the Medicare Benefit Scheme and the Pharmaceutical Benefit Scheme on Aboriginal and Torres Strait Islander people compared to the rest of the population, most people would be surprised to know that for every dollar that a non-Aboriginal person receives out of benefits from the PBS or MBS an Aboriginal person receives only 70c. For every dollar that you or I might receive out of the MBS or the PBS, an Aboriginal person receives less than 70c. We know that we have got a lot of work to do and that the mainstream programs are not working, which is why, as the member for Lingiari has just said, Aboriginal controlled and community controlled organisations are such an important element in the solution.

We cannot visit blame, as I have just said. We take no political joy out of the fact that we are failing five out of the seven targets. We also cannot say that the blame lies with the government. But what we can do is be critical of where a program fails to address the inequalities. There have been $500 million worth of cuts to Indigenous programs. There are $168 million worth of cuts in health specific programs, including a $130 million program addressing smoking, which has been frozen. If there was one initiative that we could do that would address the imbalance in health, it would be to bring the smoking rates down in the Aboriginal and Torres Strait Islander population to that of the rest of the population.

It is often said that it is not what you say but what you do that matters the most. I say that what you say matters as well, because it impacts on what you can do. When the Prime Minister talks about a country that was sparsely settled prior to white settlement or talks about 'lifestyle choices' it impacts upon what we can actually do as a parliament and as a nation. It sends a very negative signal to the rest of the population and it stands as an obstacle to us dealing with the reconciliation issues and with the important task of bringing people together as a nation, Left and Right and conservative and nonconservative for the important task of constitutional recognition. I say that it matters, and we on this side of the House say it matters. There are three things that we need to do through the process of constitutional recognition. We need to remove the stain of racism from our Constitution. There would be many
Australians who would be shocked to know that our Constitution has clauses which specifically contemplate excluding people from the right to vote on the basis of their race—but it does, and it should be removed.

We sing in our national anthem that our country is young and free, when in fact our country is a very ancient country, with 40,000 years of history. This needs to be recognised in our Constitution. Together with that, we need some constraints to ensure that in the future we never commit the sins of the past. This is the task for the nation. (Time expired)

Mr IRONS (Swan) (16:19): I rise to add my contribution to this MPI on the need to accelerate progress on closing the gap and advance constitutional recognition. I appreciate the Leader of the Opposition for raising this MPI. I think his intention was genuine. It was good to see that the member for Aston recognised that his contribution was not partisan, but I must say that I saw the member for Blair, the member for Lingiari and the member for Throsby spending some time in this MPI criticising the Prime Minister. Maybe the time that you spent criticising the Prime Minister should have been spent making more of a contribution towards this MPI; but, instead of doing that, you wasted time having a shot at the Prime Minister and being partisan.

I have a long history with the Indigenous population. My father was the assistant director of the ministry of Aboriginal affairs in Victoria. Years ago, we spent many days at an Indigenous camp, down at Lake Tyers, which is in south-east of Victoria. From the time I spent playing with the kids and going in canoes with them to seeing the developments and mistakes made by both sides of government over many years, I think the intent of this MPI is a good and genuine one. It needs to have a positive aspect to it, as my good friend the member for Hasluck said. He spoke about bringing people together: we should all work toward the same thing and make it a partisan situation. I also heard the member for Lyne talk about the Clontarf Foundation, which is in my electorate in south Perth. The Clontarf Foundation has done enormous things from young Aboriginals. It is part of not only closing the gap but breaking the cycle as well, which is an important part of making sure that the wealth, health and welfare of the Indigenous population is greatly improved.

The Prime Minister was the first to admit in his Closing the Gap speech that:

Despite the concerted efforts of successive governments since the first report, we are not on track to achieve most of the targets.

We are, however, on track toward halving the gap in Year 12 attainment rates for Aboriginals and Torres Strait Islanders aged 20-24, halving the mortality rates for Aboriginal and Torres Strait Islander children by 2018 and closing the school attendance gap within five years.

I highlight that during my time as an elected representative in this place, I have not met with any Indigenous organisations that have come to me and said, 'We can't achieve our targets because we haven't got enough money.' It is more about getting the programs out to the people at the coalface and making sure that the money is not the issue; it is the implementation of the programs they are talking about. It is trying to develop a framework for achieving these targets which can actually be implemented on the ground. It is about getting the money to those frontline services, rather than this vital funding being caught up in bureaucracy. We, in the government realise—and I am sure the opposition realised when they were in government—that a lot of wastage is in the bureaucracy. We need to make sure that is minimised.
Despite this, the coalition government has invested significant funding toward a range of initiatives aimed at supporting these targets. This includes $860 million through the Indigenous Advancement Strategy grants round, which will support 964 separate organisations, including 233 Indigenous organisations, to deliver 1,297 projects across Australia. Importantly, this funding specifically focuses on getting children to school, adults to work and making communities safer, which are three of this government's key priorities. I recently attended an event which was sponsored by Woodside down in Fremantle, where they run a program for people to teach the parents how to get their kids to school. It is a fantastic program. The people who are on the ground at that particular event, who actually graduated from the program, said it is the best program they have ever been involved in, and they understand now how important it is to get kids to school, to help break that cycle, and close the gap.

In regard to the constitutional changes, as a member in this place I have witnessed the apology to the Stolen Generation, and in December 2013 the member for Fremantle and I wrote a joint opinion piece in the West Australian newspaper supporting the recognition of Aboriginals in Australia's Constitution. So I think it is very clear that this is something that has bipartisan support, despite those opposite sometimes claiming that we are not doing it quickly enough.

I believe a couple of things we said in the article are worth stating in this place. The major one is:

Recognition will be a powerful act of inclusion for many people who have long been made to feel like outsiders in their own land.

The DEPUTY SPEAKER: Order! The discussion is now concluded.

BILLS

Defence Amendment (Fair Pay for Members of the ADF) Bill 2014
First Reading
Bill received from the Senate and read a first time.
Ordered that the second reading be made an order of the day for the next sitting.

Australian River Co. Limited Bill 2015

Offshore Petroleum and Greenhouse Gas Storage Amendment (Miscellaneous Matters) Bill 2015

Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment (Miscellaneous Matters) Bill 2015

Succession to the Crown Bill 2015
Returned from Senate

Message received from the Senate returning the bills without amendment or request.

Private Health Insurance Amendment Bill (No. 2) 2014
Second Reading
Debate resumed on the motion:
That this bill be now read a second time.
Ms KING (Ballarat) (16:26): I rise to speak on the Private Health Insurance Amendment Bill (No. 2) 2014. The bill transfers the functions of the Private Health Insurance Ombudsman to the Office of the Commonwealth Ombudsman.

I want to say that, from the outset, as has always been the case with the opposition we will work with government to support measures that are sensible and in the best long-term interests of the Australian public. It is worth making the point, however, that as has consistently been the case with this government, there is a decided lack of detail and clarity on just what the impact of its decisions are, and what the precise reasons for them are. We have seen this from the moment the government came to office. It was crystallised in the 2014 budget, which was littered with broken promises and ill-thought-out schemes, many of which are still even to come before the parliament—even as the Treasurer attempts to frame his 2015 budget.

That chaos and dysfunction continues to this day. In the health area alone, the government is now working on its fourth version of its GP tax—still with $1.3 billion worth of cuts on the table. It is still unable to get its PBS price hike through the Senate. Medicare Locals are due to wind up in June with still no word on who will replace them and what will happen to the hundreds of workers who are waiting to find out whether they still have a job. There are literally hundreds of health organisations in the areas of substance abuse and workforce information services that are left hanging—they do not know whether they are going to exist beyond June.

This bill forms part of the chaotic and unfair budget. In the budget, this component of it is the smaller-government additional reductions in the number of Australian government bodies measures, which largely had its genesis out of Commission of Audit, and there are some very illogical claims that were made in the Commission of Audit. One of those that we have already signalled we will be opposing is the merger between the National Blood Authority and the Organ and Tissue Donation Authority, because we think it seriously has the potential to jeopardise organ and tissue donation rates in this country. We have not seen the legislation for that, but I will flag that.

This merger is yet another one of the mergers that was mentioned. Of course, it sounds reasonable when you frame in the way that you want to slash red-tape, have smaller government and less bureaucracy. But, unfortunately, when the rubber hits the road, what we actually see are services slashed, checks and balances removed, and consumer protections downgraded. The Office of the Private Health Insurance Ombudsman and the Commonwealth Ombudsman both have the deep respect of the opposition. Both are independent organisations protecting consumers, and we make no criticism of the dedicated people who work in these organisations for the public good.

As much as we respect the Office of the Commonwealth Ombudsman, there clearly comes a point when, if that office is overloaded and given too much to do, it cannot deliver the best outcomes for the public. It is about to be asked to take on a very significant role in relation to the new metadata legislation. The Commonwealth ombudsman is, of course, the Defence Force ombudsman; the immigration ombudsman; law enforcement ombudsman; taxation ombudsman; postal industry ombudsman; ACT ombudsman; and overseas students ombudsman. It is abundantly clear that a single organisation trying to cover all of the bases with fewer resources cannot be as effective a voice as an organisation solely dedicated to
looking after the rights of looking after health insurance fund members—an incredibly complex area of health policy. I request leave to continue my remarks at a later time.

Debate interrupted.

ADJOURNMENT

The SPEAKER (16:30): I propose the question:

That the House do now adjourn.

National Close the Gap Day

Mr NEUMANN (Blair) (16:30): I will continue with my speech earlier in relation to closing the gap. I note the comments of the Close the Gap Campaign Steering Committee co-chair, Mick Gooda, and the comments of campaign co-chair Kirstie Parker, who co-chairs also the National Congress of Australia's First Peoples. I am indebted to the Australian Catholic Social Justice Council for these comments in its most recent *Justice Trends* magazine. They made the point today that we need to redouble our efforts and not take the foot off the pedal with respect to funding in closing the gap. I note that the Prime Minister described the 2015 *Close the Gap progress and priorities* report as 'profoundly disappointing'. He has also been on the public record as saying that their Remote School Attendance Strategy has stalled and the evidence is quite erratic about its success or otherwise.

We need to redouble our efforts as a parliament and I urge the government to do so in relation to targets in closing the life expectancy gap, early childhood access, reading and numeracy, and employment, but I also urge them, as the Leader of the Opposition did today, to commit themselves to a justice target in closing the gap. The shocking rates of deaths in custody, the royal commission half a generation ago and the House of Representatives Indigenous affairs committee report *Doing time—time for doing* all reveal quite clearly the shocking rates of deaths in custody in this country. We have seen also the rates of hospitalisation and imprisonment in the Northern Territory. We have seen the comments made by many people that, in parts of the Northern Territory, misuse of alcohol results in violence and women from an Indigenous background being 35 times more likely to be hospitalised by partner abuse than non-Indigenous women. There are a whole range of things that we can do.

Kirstie Parker said in relation to what we are celebrating today, National Close the Gap Day:

My message is not to take the foot off the pedal at this crucial time, when we've seen small but significant gains.

Where there have been cuts or there is uncertainty around funding to health and related services, that has to be reversed, the funding has to be restored, so the considerable investment we've seen to date as part of a bipartisan effort is not squandered.

I agree with Kirstie Parker in relation to that.

Probably the biggest Aboriginal legal service in the country, the New South Wales-ACT legal service, sent a letter to the minister on 18 March 2015 that I have received, referring to the cuts we have seen in relation to National Close the Gap Day. It states:

The massive federal government funding cuts directly threaten our frontline services, because as community organisation, everything we do is frontline.
National Closing the Gap Day celebrates a whole of government commitment to close the gap in Indigenous health equality.

However, outcomes in emotional and social wellbeing and mental and physical health are significantly reduced due to early childhood trauma, family violence and incarceration.

Our frontline services in children's care and protection, family law and criminal law address these areas where closing the gap outcomes are compromised.

I agree entirely with the Aboriginal Legal Service (NSW/ACT).

I heard a speaker earlier talk about the fact that he would like a children and families centre in his electorate. We have 38 of them around the country, established when Labor was in power, and we think this is important when it comes to school attendance. It is okay to get the kids to school, and we support those types of efforts in the Northern Territory and elsewhere, but it is a matter of making sure you get kids prepared for school and families supported and that those schools are not defunded themselves. Sadly, I have to say that we have seen in some conservative states—Western Australia, Queensland under the former LNP government and the Northern Territory—money ripped away. I urge governments at state level and I urge this government to redouble their efforts on this day. When we recognise the apology delivered by Kevin Rudd as Prime Minister and Brendan Nelson as Prime Minister and Leader of the Opposition, I call on the government to redouble its efforts to close the gap. This should be a bipartisan commitment; it should be a national journey; but it takes all of us to commit ourselves in this place to that journey.

Gilmore Electorate

Mrs SUDMALIS (Gilmore) (16:35): Getting back to the electorate for a week wedged between a set of two sitting fortnights helps put a reality flavour back into the work of being in politics. My first Saturday began with an International Women's Day breakfast hosted by the Zonta Club of Berry—as always great company and great women. That night was a mental health ice awareness forum, where Julie Danser had galvanised friends, bands and professionals from the medical, legal and correctional services to give their insights into the effects of ice in our community. This was another follow-up activity resulting from the first forum I arranged last November to keep the problem of ice high on the local agenda. Also, we have a parents support group and a local resource pamphlet is in the development phase. We simply cannot let this disgusting, addictive drug go under the radar.

There was the official opening of a transformed derelict space near the local car park. The Shoalhaven City Council created a colourful rest and play area for the community. There were clowns, a band, a Lions Club sausage sizzle and children everywhere. About six weeks ago, on a hot 34-degree day, Susan Tracey from the council, Bonnie Marshall from my office and I painted giant jelly beans on the large electricity box to theme the park, so the children really could relate to this terrific space.

But I think the extraordinary highlight happened when I had the privilege of visiting two schools in my electorate. While I consider every school in my electorate to be important, these two were very special to me this week. At Shoalhaven Heads Public School, at the invitation of the principal, Ian Henderson, I witnessed a very interesting adaptation of a parliamentary school assembly. I was able to take the props—the serjeant's garb, lace collar, cuffs and mace—and talk a little about the real parliament in Canberra. I was greeted by two prime ministers, Kysha Thomson and Kai Creary, and two deputy ministers, Josie Maddinson.
and Ned Simister. They were fascinated to hear that question time really is not the main activity while we are in the House. I actually wondered who had the more real parliament! The students were putting fair dinkum, directly relevant ideas forward for balanced discussion. The students were confident and curious, asking many questions. Their process was very interactive and it clearly encouraged them to think about their school community while learning about the Australian parliament.

I had the opportunity to watch their ministers: Jamie Griffin for sport, Alex Holland for health and safety, Lawson Penn for technology, Chloe Hinkley for functions, charities and media, Jack Bath for library and Jena Dodd, the Assistant Minister for Library, all part of the debate on important issues in their school.

The process included questions asked by members from the floor—that is, the other school students. One example of this was the costings and locations involved in a new bubbler rack for the students. While this issue may seem minor to us, the students took the matter very seriously, with one student rejecting the need for a new bubbler and insisting that students simply make the 30-second walk to the current bubbler location. Watching these young members of my electorate embrace leadership in their school community was very rewarding.

At Barrack Heights Public School, under the guidance of their principal, Sarah Rudling, they have two prime ministers, Jay Irvine-Pronk and Ruby McPhillips, as well as two shadow prime ministers, Hunter Debnam and Poppi-Rose Roach—a unique interpretation, but equally special. The remaining year 6 students were the ministers. The pride of the parents as they stood behind their young children now given the badges and recognition of school leadership was palpable. Many of us in the audience could feel that wondrous sharing of new respect, pride and expectation. The school captains from Warilla High and Oak Flats High were great role models for these newly inducted school leaders. They spoke well and their words were inspirational. These two visits gave me a great sense of joy and optimism about the young people in Gilmore. It was a reminder that we as politicians hold what should be an honoured position in our own communities.

In the electorate of Gilmore there are approximately 500 more primary school children enrolled in the region than there were ten years ago. The region is thriving with families, and these young leaders are learning to take responsibility for their schools and their fellow students. They are working to improve their own place. At the same time they are developing critical thinking skills in negotiation and debate. They are also learning how to speak with confidence and conviction on issues that concern their peers and how to represent their school.

Perhaps we could learn a thing or two from them, for amongst these young people are our next generation of lawyers, police men and women, teachers, paramedics, nurses, web designers, IT experts, doctors, plumbers, social workers, councillors, builders, bakers, managers, scientists or community representatives—even federal members. We simply do not know where their futures may go, as there is so much technology and change in front of us. We can only praise these young leaders for the potential they are building in their roles at school. This truly was a great week of reconnection with the real side of being a politician.
Corporate Taxation

Dr LEIGH (Fraser) (16:40): Since coming to office, the Abbott government has given $1.1 billion of tax breaks back to multinationals while cutting family payments for low- and middle-income households and cutting the wages of the cleaners who clean their offices. With so much recent speculation and concern about how much tax big companies really pay, there is a need for hard numbers to better inform the public debate.

At present there is simply no way to find out how much tax the largest companies pay or easily compare the reporting of publicly listed ones. A Senate inquiry into corporate tax avoidance has underlined the need for greater tax transparency in Australia. A third of the submissions to that inquiry backed the public release of more information on how much tax companies really pay. A majority of submissions raised concerns about the availability and accuracy of corporate tax data. It is clear that the Abbott government needs to act to improve tax transparency.

The first step is an easy one. Labor has already provided a clear path to a more informed debate on multinational tax avoidance. Under new transparency rules introduced by Labor in 2013, the Australian Taxation Office is required to start publishing this data from the 2013-14 financial year. Labor has been working to bring forward the release of this data, giving Australians access to more information than ever before about the tax affairs of major companies. If the House were to pass my private member’s bill, our plan would bring forward the release of data about the tax paid by companies with total income over $100 million.

We need an evidence-based debate on multinational tax avoidance, and we need it now. The choice for the Abbott government is clear: if it wants to support this informed debate, it will support Labor’s plan to increase transparency.

Sadly, it appears that an informed debate is not part of the government’s plans. Leaks coming out of the Liberal party room confirm the government is gearing up to dump Labor’s plan to let Australians see how much tax big multinationals pay. The Assistant Treasurer has reportedly announced to his colleagues that he is working on plans to roll back the transparency laws and bring up the secrecy shutters. This would be yet another example of the Abbott government siding with the big end of town against the interests of the Australian community.

In government, Wayne Swan and David Bradbury put together a significant package to tackle multinational tax avoidance. In opposition, Labor has proposed a crackdown on multinational tax avoidance, improving the budget bottom line by an extra $1.9 billion through a package developed, based on OECD advice and costed by the Parliamentary Budget Office, which tackles things such as debt shifting, information exchange and providing the tax office with the resources it needs.

Instead of supporting this crackdown, the Liberals have reopened a billion dollars of tax loopholes. In MYEFO 2013, they promised a targeted anti-avoidance provision. In MYEFO 2014, they broke that promise. Now, by rolling back these transparency laws, they plan to further shield big multinationals from public scrutiny. Without transparent tax reporting, it will be easier for some big firms to continue to avoid paying their fair share of tax.

The Liberal Party has tried to block better transparency on the tax affairs of big multinationals since the day Labor first proposed it. Not content with voting against the
transparency laws and dragging their feet on implementing them for 18 months, the Abbott government is now working to actively undermine them. The Treasurer and the Prime Minister are full of big talk about cracking down on tax avoidance, but when it counts in the party room and in the parliament, their government constantly lets multinational tax avoiders off the hook. When public reports come out about companies paying too little tax they question the accuracy of the figures; but when Labor suggests the tax office might report accurate data, they oppose it. We currently have a bill before parliament to increase tax transparency, but the Liberals oppose it.

Australians can judge for themselves which party is really committed to making sure multinationals pay their fair share. Inequality is at a 75-year high. Over the last generation the top one per cent share has doubled and the top 0.1 per cent share has tripled. Earnings have risen three times as fast for the top tenth as for the bottom tenth. The wealthiest three people in Australia now have more wealth than the poorest one million. Just once I would like to see this government stand up for the little guy instead of for the top end of town.

**Foreign Investment**

Mr SUKKAR (Deakin) (16:45): This afternoon I want to draw the attention of the House, again, to an important issue that a number of residents in my electorate of Deakin have taken the time over many months, indeed years, to bring to my attention and that is the foreign investment in established residential real estate. Given the feeling in my electorate with respect to this issue, I recently took the opportunity to host a forum in which we sought to provide a platform for residents to voice their concerns on this very important topic. I was very fortunate to be joined in the evening by the Parliamentary Secretary to the Treasurer, Kelly O'Dwyer, who was able to provide very valuable, first-hand information to attendees with respect to the proactive steps the government is seeking to take in this area.

One point we made—which is always very important to raise in the context of this discussion—is that we do recognise the important role that foreign investment has played in the Australian economy since the beginning of this nation. When it comes to residential real estate, though, foreign investment can either be an important tool in terms of increasing Australia's housing stock, or it can have the impact of raising residential real estate prices.

There has been, for some time, increasing community concern around the issue of, particularly, a lack of compliance with the rules by foreign investors as well as a lack of enforcement of the rules by government. This is feedback I received before the election, and it is certainly feedback I received afterwards. The problem, regrettably, was exacerbated after six years of Labor, who really made no serious attempt throughout their time to deal with this issue. As with so many other issues they just kicked the can down the road.

Let us go back to first principles. Under current legislation, foreign residents are prohibited from investing in established residential premises. For temporary residents living in Australia, they are permitted to own a single established residence but must divest of that property within three months of ceasing to be a temporary resident. Notwithstanding these longstanding rules, during the entire time of the Rudd-Gillard-Rudd governments, not one court prosecution was undertaken by the Foreign Investment Review Board, nor was there a single divestment ordered for the illegal acquisition of a property. So, due to the inaction of Labor, the feeling has been that foreign residents have had free reign to access our established...
residential property market because we have not been policing the existing rules. There is no point having a rule on the statute books if we do not police it.

Another concern, which has been raised in this House before, is the complete lack of information gathering by the former government on the levels of foreign investment that were actually occurring. When we came to government we could not get a single answer on the holdings of foreign residents in all forms of property and real estate in this country.

The coalition, while recognising the importance of foreign investment, is determined that foreign investment, at all times, is in our national interest—and there is nothing wrong with us saying that. As the parliamentary secretary and I were able to inform Deakin residents at our forum, the government has been undertaking consultation with a view to creating a specialised compliance and enforcement area within the ATO to identify and investigate breaches of the foreign investment rules, and to enhance data sharing arrangements between Treasury, the ATO and all other government agencies that may have information that is useful.

We have also examined the introduction of application fees for foreign investors who are seeking to purchase property. There will be a fee of up to $5,000 for properties valued under $1 million, a fee of up to $10,000 for properties valued equal to or greater than $1 million, then rising by $10,000 increments for each million dollars in property value. Those fees will go towards the new compliance office within the ATO and will ensure that the Foreign Investment Review Board will finally have the resources to police our rules to ensure that we can dampen the increases in property prices. This is no silver bullet, but this is something that we are determined to change, and we are listening and acting. (Time expired)

Iraq

Ms PARKE (Fremantle) (16:50): In parliament two weeks ago the Prime Minister announced that Australia will commit 300 further personnel on the ground in Iraq to provide training to the Iraqi Army, even though, when Australia’s air support involvement was previously announced, we were assured there would not be this kind of mission creep and despite the fact that 10 years and billions of dollars have already been spent trying to train the Iraqi Army. Considering the gravity of this action, it is really quite astounding that there has been no close consideration within the community or here in this parliament of the nature of our engagement and its connection or not to the national interest, its scope and limits, its strategy and objectives, its likely duration, and its likely cost in terms of resources and human life.

The crudest form of justification for our involvement is that, by engaging in a war against ISIS in Iraq, we are really working to prevent terrorism from occurring here, yet there is no evidence to suggest this is true, and the Australian community does not see it as true. In the recent Essential poll only 12 per cent of those surveyed said they thought our part in the war would make Australia safer, whereas 30 per cent said it would put us at greater risk. My own experience as an Australian working in the Middle East during Australia's disastrous involvement in the illegal invasion and occupation of Iraq in 2003 and onwards has convinced me that it is by re-engaging in this war that we, in fact, increase the likelihood of terrorist or pseudo-terrorist events in Australia and make Australians everywhere less safe.
Defence analyst Tom Switzer has also observed that, by intervening to assist the Iraqi army, we risk being seen as siding with one side in a sectarian conflict—Shia against Sunni—and:

... we are helping radicalise young marginalised Sunnis in western nations and inadvertently encouraging them to join the jihadist cause, either at home or in the Middle East.

I urge colleagues to read Graeme Wood's excellent article in The Atlantic monthly March edition, titled 'What ISIS really wants', in which he explains:

The biggest proponent of an American invasion is the Islamic State itself.

Wood notes:

The provocative videos, in which a black-hooded executioner addresses President Obama by name, are clearly made to draw America into the fight. An invasion would be a huge propaganda victory for jihadists worldwide: irrespective of whether they have given bay'a to the caliph, they all believe that the United States wants to embark on a modern-day Crusade and kill Muslims. Yet another invasion and occupation would confirm that suspicion, and bolster recruitment.

As I have said a number of times before in this place, it is extraordinary that the decision by Australia to participate directly or indirectly in a war far from our region can be taken without any debate in the parliament or in the community. I am sure that Tom Uren, whom the Labor Party farewelled only a few months ago, would have been aghast. Tom's opposition to war was grounded in his own experience as a soldier, as a prisoner of war on the Thai-Burma Railway and as a prisoner in Japan who witnessed the glow of the atomic destruction of Nagasaki. Tom was twice jailed for his participation in anti-Vietnam war rallies, and this occurred when he was a member of federal parliament. I raise the example of Tom Uren to highlight the fact that today we are not seeing enough serious questioning, by the wider community or by the political class, of Australian military commitments.

The recent ABC Four Corners program, 'Bringing the war home', was a reminder of the impact that our participation in war has on individual Australian servicemen and servicewomen and their families and on the wider Australian community. I was particularly struck by the words of former Australian Army commando Geoff Evans, a PTSD sufferer who is now doing incredibly valuable work as a younger veterans advisor with RSL LifeCare. Reflecting on his time in Afghanistan, Geoff Evans described an operation that involved attacking a compound that was believed to house a Taliban insurgent. Grenades were used and the insurgent was killed, but so were a number of children and a teenage girl. In relation to this event and to his experience of war as a whole, Geoff Evans said:

When we went away to Afghanistan, we went to fight terrorists. But the overwhelming memory I have of the war is watching young men in their 20s trying to stop children from bleeding to death and of the mud of Afghanistan.

I abhor the violence of ISIS, Boko Haram and the Taliban. I abhor the violence of the Assad regime, as I abhor the violence of drone warfare. I believe people should be protected from violence, and I have supported and will always support properly framed peacekeeping and humanitarian missions to protect civilians. But I question whether Western powers, venturing further into a conflict they helped to foment in the first place, will bring any meaningful decrease in violence, destabilisation or crimes against humanity or help to create a durable peace. This is the third time we have been to war in Iraq in the last quarter century and in some clear ways each new war has been carved from the one that preceded it. Our enemies
and allies in the region often shift, if not switch entirely, and the groups we oppose use weapons we or our allies provided in earlier conflicts. It is fair enough to ask in this parliament about the too easy way in which the wars—and our place in them—are perpetuated.

Intergenerational Report: 2015

Mr TAYLOR (Hume) (16:55): I rise today to reflect on some opportunities and challenges identified in the 2015 Intergenerational report. In particular, I want to reflect on some of my biggest learnings from almost 20 years working in management consulting and change management. The Intergenerational report tells us that by 2050 our workforce will be diminished in number and older in age. The report tells us there is an economic impact from this reality, namely, that as time goes by, each employed Australian will need to support more people than ever before. We know already that in Western economies there are big challenges in delivering the growth in incomes we have seen in past whilst also making ends meet at the government level. None of us want to hear a message about having to work harder to generate more wealth, and we do not have to.

As a post-graduate economist, I was fascinated by growth theory. It tells us that innovation driven growth—what economists call productivity—is more important than growth driven by blood, sweat and tears. It is the most important dynamic in human history, and it is highly cumulative. Today's scientists and inventors and today's entrepreneurs stand on the shoulders of giants, as innovation today builds on the innovations of yesterday.

But we cannot see innovation as some kind of manna from heaven. The process has been described famously as one of creative destruction. New industries and skills replace old industries and skills. Steamships replace sailing ships. Car replace horses. The internet is replacing and reshaping media, music, photography and now video. Creative destruction sometimes occurs painlessly. Whilst it offers huge benefits to many, it can be temporarily painful for some, and we must be sensitive to that. The truth is that sometimes the old resist the new, even aggressively. As we know only too well, threatened industries and businesses often look to government for support to survive, and the cost to taxpayers asked to prop up dying industries is enormous. The Labor Party often capitulates. Whilst managing the transition with compassion and insight is critical, this process should not be blocked.

There is also a behaviour pattern amongst new entrants who look to government for help to reduce the risk of starting up. A big government subsidy is almost certain to stifle the rough and tumble of innovation. You cannot avoid the need to repeatedly test a product, fail and then reformulate. Innovation succeeds more as the result of repeated failures than repeated successes. It is hard to think of a long-term success story that came out of infant industry support.

In my electorate of Hume, small business innovators abound, and we want more. Brumby Aircraft at Cowra is leading the world in small aircraft design. AFS Walling Solutions at Goulburn are making cutting edge products for low-rise building developments on the east coast of Australia. Sarajane Furniture has expanded into roof tile battens, alongside traditional timber products. Hilltop Meats at Young is an innovative new export abattoir, and the cherry exporters around Young are breaking into new markets with innovations in biosecurity and cherry production and processing. A company that is revolutionising poultry genetics across the world, based in the United States, has also opened major operations in Goulburn.
Innovation and the productivity that follows from it delivers higher income and more jobs in my electorate and across Australia. But it will also support better government services whilst containing the growth in spending that is threatening to cripple our country, as we saw in the Intergenerational report. For example, around the world, innovations in health care are accelerating. We are seeing not only new devices, drugs and procedures but also a broad-ranging innovation in the purchase and provision of health services. In education—primary, secondary and tertiary—technology is revolutionising the sector. Text books are being replaced by technology solutions. Internet and videoconferencing allow direct and easy access to the world's best thinkers at vastly reduces cost.

It is time for policy makers, commentators and all engaged in the political process to encourage innovation to occur in the private and public sectors. That is the core of our philosophy on this side of politics, as seen by a shift away from industry pork-barrelling, our focus on lower taxes and our dramatic reduction of red tape, as we saw in this week's repeal day. More than ever, we need the opportunity for bipartisan debate on how we embrace innovation, driving higher incomes and more jobs. *(Time expired)*

**The SPEAKER:** It being 5 pm, the debate is interrupted.

**House adjourned at 17:00**

**NOTICES**

The following notices were given:

**Mr Pyne:** to move:

That the standing orders be amended as follows:

**63A Ministerial statements**

When the House has granted a Minister leave to make a ministerial statement, the House shall be deemed to have granted leave for the Leader of the Opposition, or Member representing, to speak in response to the statement for an equal amount of time.

**Mr McCormack:** to move:

That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Hamilton Island Replacement Fire Station Project.

None.
Thursday, 19 March 2015

The DEPUTY SPEAKER (Hon. BC Scott) took the chair at 09:30.

CONSTITUENCY STATEMENTS

Health Services

Mr CHAMPION (Wakefield) (09:30): I rise to talk about palliative care, an important issue for my own electorate, but also an important issue for the country. Last week I was down in Tasmania, in Longford, discussing elderly Australians’ health issues. It was good to be down there with Senator Carol Brown, who hosted the forum with local candidate Brian Mitchell and local councillors Michael Polly and Dick Adams, a former member of this place—and it was good to see Dick. Some of the things we talked about were the importance of palliative care, the importance of retaining Australian Hearing in public ownership, aged care and GPs. But palliative care really did dominate that forum, and it certainly dominated my trip.

The previous government announced a package of some $63 million over four years for Tasmanians to receive better palliative care, and that package does point the way for the country. It was interesting to go out to Mersey hospital to attend, for a short period, a palliative care workshop, which was being run to educate health professionals and volunteers in the community. I think that program does have merit for the rest of the country. It was particularly interesting to go out to the Hobart District Nursing Service to look at the hospice@HOME program. That was a very interesting visit. We got a lot of feedback about that very important program with Rebecca White, the Tasmanian shadow health spokesperson, Fiona Onslow, the state-wide director of operations for the Hobart District Nursing Service, and Kim Macgowan, the chief executive. My thanks go to Kate Pendlebury, who organised the event.

It was good to chat to the staff, but it was particularly good to talk to families, including Api and Vince Bocchino about how they cared for Vince’s father, Pasquale Bocchino, in the last stages of his life. It was particularly interesting to get Pasquale’s life story. Coming from Italy, a musician, he could not speak English, so he ended up working in the building trades. He made a great contribution to the country, but one does wish that he could have gotten a go as a musician in Australia. It was tremendous to hear how this program helped Vince and his family look after his father and gave Pasquale the same dignity at his death that he had during his life. That is what palliative care is all about. It is a very important program being conducted in Tasmania that has very important lessons not just for my electorate but also for every one of our electorates across the country.

Bass Electorate: Infrastructure

Mr NIKOLIC (Bass—Government Whip) (09:33): While campaigning full time over two years as the Liberal candidate for Bass, I would often be asked, ‘What are your key priorities, the things you intend to fight for should you become our local member?’ The top three priorities on my list were enhancing the Tasmanian Freight Equalisation Scheme, securing funding for Tranche II irrigation schemes and helping to deliver a healthier Tamar River. I am pleased to say that all three priorities have now been realised, and, with my colleagues from
Braddon and Lyons and our hardworking Senate team, we are working on a range of new imperatives.

This morning I would like to focus on the expanded freight equalisation scheme, which the Prime Minister announced in Northern Tasmania last Friday. It is a huge and welcome boost for Tasmania, which many have described in positive terms as a 'game changer'. It means that more people in more markets will be able to buy quality Tasmanian goods. Increasing our annual investment in the freight equalisation scheme by more than 40 per cent helps make businesses in my electorate of Bass more competitive. It means higher growth and more local jobs. My Tasmanian Liberal colleagues and I have persistently lobbied the Prime Minister and his cabinet ministers since the economic growth plan for Tasmania was announced on 15 August 2013. The reason for that strong, persistent advocacy is simple: we are an island state. We do not have federally funded highways attracting billions in funding because our highway is the Bass Strait. So shipping and freight services are critical to Tasmania's competitiveness. Tasmanian shippers face significant challenges in transporting and selling their goods. So the Prime Minister's announcement of a $203 million expansion to the freight equalisation scheme was universally greeted as the most wonderful news.

Importantly, from 1 January 2016, the scheme will be expanded to include goods going to international markets, a recommendation by the Productivity Commission in its inquiry on Tasmanian shipping and freight. This will mean new opportunities for Tasmanian industries, greater competitiveness and extension of the customer base for Tasmanian goods beyond traditional mainland markets. The flat rate for the expanded elements of the scheme will be $700 per standard container. Of great importance to me also is that a 15 per cent premium will apply to shipments to and from the Furneaux Group of islands in my electorate of Bass. That recognises the higher shipping costs faced by islanders.

So thank you, Prime Minister and your cabinet colleagues, for listening to the advocacy of the Tasmanian Liberal team. Thank you for acting in such a decisive way to address this longstanding inequity. On behalf of the people of northern Tasmania and, in particular, my electorate of Bass, I must say that we greatly appreciate this enhancement to a scheme that is truly a strategic enabler of Tasmania's future prosperity.

East West Link

Ms BURKE (Chisholm) (09:36): Former Liberal Prime Minister John Howard frequently stated that, when it comes to elections, the electorate always gets its pretty much right. So I rise today to ask members opposite, particularly the Prime Minister and the member for Deakin, whether they agree with Mr Howard and can accept that the Victorian public got it right when they elected the Andrews Labor government in Victoria in November last year.

After declaring that the Victorian election was a referendum on the East West Link and then losing the referendum, the Prime Minister and the Member for Deakin are refusing to acknowledge the decision of the Victorian electorate and are demanding that the Labor government break its promise to the people and build a toll road that was not even able to pass its own cost-benefit analysis. It is a costly project that will not deliver relief from the congestion that people commuting along the Eastern Freeway suffer every day;

It was a project that was announced in a rush by a desperate Liberal government that had sat on its hands for almost four years and needed something—anything—to say it was
building for Victoria. It was a project that was so poorly planned that the government was too frightened to put it to an election and, instead, chose to accelerate contracts and offer an appalling side deal to secure a dodgy contract before Victorians could vote. The government and the consortium knew full well that, if Labor won, Labor would abandon the project. Rather than delaying contracts, if the reports in today’s papers are correct, former Liberal Treasurer Michael O’Brien brought forward the financial close of the project from 5 December 2014, after the election, to 3 October. Mr O’Brien even allowed the consortium to draft their own side letter guaranteeing them a minimum amount of compensation against the publicly known position of the future Labor government. This is an appalling act of dishonesty and bastardry against the Victorian taxpayers and an act of budget sabotage that shall never be forgiven.

In response to all of this, all the Prime Minister and the member for Deakin want to do is remove $3 billion of funding from vital transport infrastructure in Victoria and insist that the Premier join the Prime Minister in breaking election promises. I call on the Prime Minister and the member for Deakin to respect the decision of Victorian voters, condemn Michael O’Brien for his irresponsible budget sabotage and, instead, invest $3 billion in rail and road projects that will actually relieve congestion in Melbourne.

I know full well the issues of the Eastern Freeway. I travel it probably more regularly than anybody in this place. Yes, there are issues with it. But this project, this tunnel and these tolls were not going to alleviate this and help my constituents commuting into town every day of the week. There are better ways of fixing traffic issues in Victoria.

**Mental Health**

*Mrs PRENTICE* (Ryan) (09:39): The statistics around mental illness in this country are most concerning. According to the Australian Bureau of Statistics, mental health and substance use disorders account for about half the total burden of disease among 10- to 24-year olds and suicide is the highest cause of death in the 20- to 24-year age range. With those figures, it is easy to believe that about half of all Australians will be touched by mental illness in some way at some point in their lives.

Headspace, which is a federally funded organisation, is helping to improve the health and wellbeing of young Australians and, as a government, we are committed to ensuring that they are given the right tools to cope during this peak period where mental health issues start to emerge. The National Youth Mental Health Foundation for people aged 12 to 25 and the Headspace centres provide support for young people and their families to direct clinical services, health promotion and community awareness activities. Headspace delivers support in four main areas: mental health, primary health, drug and alcohol support and vocational support. This includes confidential face-to-face counselling as well as online support at eheadspace.

Since its establishment in 2006, headspace has supported tens of thousands of young people. In the 2014-15 budget, the coalition committed an additional $14.9 million to support the expansion of the headspace network by 10 centres, to a total of 100 across Australia. I met with the board of headspace on Tuesday this week and I was impressed with their vision and plans to support youth affected by mental illness and deal with situations and issues where they need professional help.
One of the things that I believe is most important for the success of headspace centres is the inclusion of youth reference groups. Each centre has one of these groups that compromises young people who essentially make sure the centre is actually in touch with other young people. It is their role to advice on the look and feel of the centre as well as give ideas on how best to reach out to the community. The inclusion of these groups show the determination of headspace to really get an understanding of what young people want, how they feel and how best to deal with their issues.

I am delighted to inform the House that the official opening of a new headspace facility at Taringa, in my electorate, will take place tomorrow. I look forward to meeting the local team as well as members of the youth reference group. Young people in all communities deserve access to support and professional advice for the many challenges they will face in their teen years and into early adulthood. I believe the introduction of a headspace centre in Taringa will heave a positive impact in the local area. Moving away from home and starting university can be a massive step for some young people, and I am confident the new centre will provide additional support to students. Issues relating to mental health, drug and alcohol problems and physical health affect young people all over the country, and I am proud of our government's commitment to tackling these problems and providing support.

Parramatta Electorate: North Parramatta Heritage Precinct

Ms OWENS (Parramatta) (09:42): There is a growing disbelief and indeed anger in my community about the state government's plans to redevelop the North Parramatta heritage precinct. The planning process has been, shall we say, more for show than substance, with the very brief period over the Christmas break for people to have a look at the plans. But, when we look at the plans, we all incredibly appalled.

The north Parramatta precinct contains some 70 heritage buildings; it contains more heritage buildings than the Rocks; it contains three buildings from the 1700s; and it has been in public hands since colonisation. In fact, it is the best collection of colonial history in Australia, by far. It contains the Female Convict Factory, designed by Greenway—the first convict factory in Australia. It contains the Gipps Yard, where convict women were taken straight from the boat and put to work on their first day. It contains the Roman Catholic Orphanage, where the children of those convict women were kept right back in the early colonial years.

When you look at the plan this government have, you see that it is essentially to sell off this land. They claim that they are selling the land in order to fund their heritage work. For some reason, North Parramatta has to be self-contained when it comes to heritage; whereas the rest of the county seems to think that maintaining our heritage is actually a national responsibility. But, for North Parramatta, the land itself has to cover the cost of maintaining some of the most significant heritage buildings in the country.

What they are really doing is selling it off. They are selling the land inside Gipps Yard and putting a six-storey and a 12-storey building inside the yard where the convict women were first taken—an intact courtyard where the convict women lived and worked. They are selling the land which includes Australia's first children's hospital, a beautiful little building that looks like a chocolate box. There will be a 12-storey building within metres of it. They are putting a 12-storey building within 50 metres of an endangered flying fox species.
It is an extraordinary land grab: 6,000 residential units going up on what is Australia's most significant heritage precinct, without any consideration of how those people get in or out of the area, without any consideration of the schooling needs, but particularly without any plans whatsoever about how these heritage buildings are going to be protected. Quite a few of them are not on the national register; in fact, most of them are not on the National Trust Register. The state government has resisted putting them on that because, in the words of one of the local members, 'Heritage listing impedes development'. Yes, it does, and, yes, it should. In this case, our colonial heritage should not be sold off for the cheapest price to fill the coffers of the state government so they can spend it elsewhere. It is national heritage, and it should be protected. I urge the state government to rethink.

**Australian Natural Disasters**

Mr O'DOWD (Flynn) (09:45): Deputy Speaker Scott, what I am about to speak on comes as no surprise to you because we share boundaries, between Maranoa and Flynn, and there is a stark contrast between our areas. Maranoa has had a lot of drought and no rain for the last three or four years, whereas in Flynn we have had floods for four out of the last seven years. Some parts of my electorate have been severely affected. So we have that contrast between our two electorates, and it is a very big contrast, but nevertheless it has the same effect on the people. Whether it be drought or whether it be flood, the mental health issues are still there and the stresses on finances are still there. It is a pretty sad situation. I was speaking to one of my constituents this week. He said: 'I've been on my property for four years, and I've had two floods in those four years. My neighbour has been on his property for 50 years, and he has had two floods. He can much more sustain his business than I can mine, and it looks like I've got to put the shutters up. I've had enough. I'm going to have to move away from the land which I love.' He said, 'But what else can I do?' He said, 'I've got debt up to my eyeballs,' and while interest rates are low, he said, 'I cannot afford to pay off my old loan before I get a new loan'. Added to that is the fact that valuations of properties and the cash-loan ratio have drifted far apart, and this has put more and more pressure on businesses. It is not only the primary producer, as you know, Mr Deputy Speaker. It is the townsfolk who run small businesses to help the primary producer and help the workers in the town to survive. They are getting very, very stressed, and there is no money left in the community.

In remote Queensland, the suicide rate between 2008 and 2010 was 20.65 per 100,000 people. It has now got worse. This is significantly higher than the national average, and this is why we are trying to encourage young people back onto the land to replace their mums and dads who have been working on the land for all their lives. When these sorts of events happen, it makes it that much harder for the people to come back to the land and enjoy a reasonable income. Young people probably have more brains than their parents—but to stick out there on the farm, as the older people have done: the young people are not prepared to take that risk anymore. Some are, and good luck to them.

**Australian Public Service**

Ms BRODTMANN (Canberra) (09:48): As I stand here today, every single enterprise agreement across the entire Australian Public Service has expired—that is, across 117 agencies. Out of those 117, only 19 agencies have tabled a pay proposal. Two agencies—the Department of Veterans' Affairs and the Department of Human Services—are taking industrial action. But many more will soon join those two, including the Department of
Agriculture, the Department of Employment, the Department of Defence, Geoscience Australia, the CSIRO and the Australian Institute of Criminology.

The Abbott government is facing widespread industrial action as a result of the appalling deals being offered to public servants. These are the servants of democracy. It is because of public servants that our national interests are protected abroad; that the sick, the elderly and the disabled are cared for, are looked after. It is because of public servants that our cities and towns are kept safe, and yet, despite this, the Abbott government is attacking their pay and conditions. The employment minister is trying to introduce nasty deals that slash conditions, remove rights, diminish job security, increase hours, cut super protections, dilute redundancy rights and, in some cases, actually reduce employees' take-home pay.

Enterprise bargaining agreements expired in the middle of last year, yet pay offers for the vast majority of departments and agencies will be put on the table this year. During this time, public servants are receiving no allowance for inflation on their wages, meaning they are financially worse off. Take the defence department, for example. Just last month the defence department's staff were offered a below inflation deal that would see their real wages fall as well as lose out on a number of hard fought for conditions. Or just look at what is happening in the CSIRO. After the Abbott government cut its budget by $115 million last year, resulting in hundreds of job losses, site closures and the abandonment of research, the government is now attacking the remaining workers' pay and conditions. It wants to increase their total working hours, remove leave and make it harder for people to get promoted.

But it is not only public servants who are being attacked by this government through their pay and conditions. The Australian Public Service shed 11,000 jobs last year—that is steepest downturn in APS jobs since John Howard's first term as Prime Minister. Thousands of public servants in Canberra have little to no job security, placing them under enormous personal strain. Coalition governments have form on this: they have shown time and time again that they have nothing but contempt for the Public Service, complete disdain and disrespect for our servants of democracy. The damage done by the Abbott government will take a decade or more to fix because you cannot put the Public Service back together overnight.

Reid Community Cup

Mr LAUNDY (Reid) (09:51): I was delighted on Sunday to have launched the inaugural Reid Community Cup at Timbrell Park in Five Dock, a five-a-side soccer tournament with eight teams representing Reid's local charities and community groups. And congratulations to the inaugural winners, the Sir Roden and Lady Cutler Foundation, a great local charity whose players put in a gutsy performance to claim the title. The grand final was a contest between the foundation and the SSI—Settlement Services International—multicultural youth division that came to a five-five draw at the end of regular time, with extra time's golden goal deciding the tournament.

The goal of the Reid Community Cup is to promote both the organisations and the excellent work they do in our local area, helping those in need across the areas of community support, refugee and migrant assistance, disability awareness and youth issues. Of course, it was also a great opportunity for the community get together, enjoy a barbecue and some skills. The teams represented charities including FRANS, the Refugee Advice and Casework Service—RACS—Touched by Olivia, the Burwood PCYC, the Sir Roden and Lady Cutler
Foundation, Settlement Services International's multicultural youth division and Communities for Communities.

Each of these organisations do amazing work in their individual areas. FRANS provides supported live-in services, community engagement, day trips, life skills programs and vacation care as well as other services to people living with disability, their families and their carers. The Refugee Advice and Casework Service is the longest-running refugee legal centre in New South Wales and provides free legal advice to financially disadvantaged individuals seeking asylum in the community and immigration detention. Touched by Olivia works to create a more inclusive society by creating play spaces that are accessible for children regardless of any disability. The Burwood PCYC is a charity organisation that works in partnership with the New South Wales police to provide sports and activities for at risk young people in our community. SSI's multicultural youth division is a relatively new advocacy group and support network focusing on the needs of multicultural youth and provides the first steps towards employment and social interaction. Communities for Communities takes groups of volunteers from the inner west to build houses in South-East Asia; they are also big supporters of local groups. And last, but in no way least, the Sir Roden and Lady Cutler Foundation provide free transport for local elderly and less mobile residents to attend medical appointments.

These groups tirelessly extend help to others in our community, and the Reid Community Cup is an initiative to recognise the work they do. We raised $1,500 that day, coincidentally, to support them. I would like to say a big thank you to David Tanti in my office who is in charge of outreach and who did most of the legwork on this initiative. We look forward to next year.

Health Funding

Ms PLIBERSEK (Sydney—Deputy Leader of the Opposition) (09:54): I am rising today to talk about the shocking health cuts in New South Wales. The first Abbott budget slashed $50 billion from public hospitals around the country—cuts, of course, that every member of the cabinet signed off on. That is $15 billion out of New South Wales hospitals up to 2020-25 and $1.2 billion over the next four years alone. Then we look at the cuts the Baird Liberal government has also made: $3 billion cut from health—that is 3,600 hospital workers sacked; $2.2 billion of cuts in services; and $775 million in staffing cuts.

A government member interjecting—

Ms PLIBERSEK: It is in your budget papers. I do not know if you read them. A Foley Labor government will provide an additional $1.7 billion for health infrastructure in the coming years, including nurse-led walk-in centres, flu vaccinations to be delivered by pharmacists and ending co-payments for chemotherapy.

The federal budget has also cut $367 million out of preventive health programs, axing the National Partnership Agreement on Preventive Health. The best way of saving health dollars is to stop people getting sick and going to hospital in the first place. There is also $400 million cut from adult dental services across Australia and the end of the Dental Flexible Grants Program—a $229 million cut in dental health. Just one of those cuts, for example, is the cut to the Charles Sturt University dental and oral health clinic developments in New South Wales—a $15.2 million cut over three years gained by not proceeding with the Charles
Sturt University dental and oral health clinic developments. That is something that would have greatly benefited people living in rural and regional areas.

There is also the $2.9 million cut from the National Tobacco Campaign. Again, the best way of saving dollars in the health system is to keep people healthy and out of hospital. About half of all regular smokers end up dying from smoking related causes. So the effort that we have put in to reducing smoking rates in Australia has been critical to long-term health savings. In the last budget that was also the scrapping of the Diagnostic Imaging Quality Program—a cut of $14.4 million there—and almost $90 million cut out of optometry rebates. There is also the $1.3 billion extra that this government wants Australians to pay for their medicines.

In this week, when we have the Closing the gap health statements, it is also worth noting that $165 million was cut from Indigenous health programs, including the Tackling Smoking and Health Lifestyles Program. The National Partnership Agreement on Indigenous Early Childhood Development has not been renewed, leaving 38 children and family centres facing the real risk of closure. Funding to the National Partnership Agreement on Indigenous Health Outcomes was cut by $770 million. There has also been the axing of the National Indigenous Drug and Alcohol Committee without warning; the axing of the National Aboriginal and Torres Strait Islander Health Equality Council; and the axing of the Remote Eye Health Service, which has carried out 12,800 outpatient consultations. (Time expired)

**Durack Electorate: Pollinators**

**Ms PRICE (Durack) (09:58):** City Hive in Geraldton in the mid-west region of the electorate of Durack is the home of Pollinators, a robust centre of innovation, connectivity and community. On the back of receiving federal funding support for their August Science Week project, the Goodness, Sustainability and Innovation Festival, I met with members at City Hive in the past week to discuss innovation, particularly with regard to sustainability and resilience in the mid-west.

Established in December 2010, Pollinators' mission is to 'nurture innovations and people who enable healthy, resilient communities'. But how do they do this? CEO Andrew Outhwaite told me: 'We do a bunch of things, primarily grouped into three streams.' City Hive provides space for members to work for an hour or a week or to have their own office. People connect in the shared working spaces, meeting rooms and events. The Buzz is their vibrant and entrepreneurial community where members grow new friends, peers and mentors, collaborate with professionals and volunteers and contribute great ideas and solve social problems. Programs where people join in events and learn is called the Swarm and has the objective of learning and sharing through coaching and mentor programs. Pollinators Chair Paul Dyer and Director Melissa Hadley explained that they have developed an alternative modern model for the delivery of business support and they are in demand.

Those who participate in the programs, at the CityHive or virtually, are connecting to find synergies with people not traditionally considered to be like-minded—synergies between artists, comedians, developers, the not-for-profit sector, churches, sporting groups, government, hospitals and farmers. The pollination process has encouraged local enterprise to do things that are world-class.
Small business people, as we know, are often isolated or at home, or just in need of a bit of space to run their business. But now they are coming to the hive, where they can be surrounded by peers, advisers, lawyers—always helpful—and environmental scientists, graphic designers and photographers, and the list goes on. And their interaction, cross-pollination and collaboration is leading to sound progression of their concepts into numerous projects, often without the drain of consultants’ fees. ‘Hear, hear,’ I say to that. They just talk and they help each other.

The Pollinators have developed an alternative model of delivering support in regional economies for not-for-profits and for small business. As innovation is at the heart of their existence, they did not think to discuss with me how they were going to fund themselves in the future but rather how through innovation they can manage their own problems. Well done to Pollinators and the CityHive. I look forward to working with the Pollinators and the Minister for Small Business to determine how the Commonwealth can support the expansion of the model to other towns in Durack like Karratha and Broome, and I congratulate them.

Environment

Ms PARKE (Fremantle) (10:01): I frequently receive representations from my constituents in Fremantle regarding their concern for the crisis in the marine environment. Factors such as population growth, increasing consumption, climate change and unsustainable fishing practices are having a devastating effect on marine biodiversity. The UN Environment Program has predicted that there could be no fish stocks in the world’s oceans by 2048 if fishing practices remain the same.

I was proud to be part of the Labor government that created the world’s largest network of marine reserves in Australia’s Commonwealth waters. Marine reserves are internationally recognised as an effective tool for the management and conservation of marine environments. During the more than five years of national consultations, more than 500,000 people around Australia said yes to marine parks. There was probably no issue that aroused more passion among adults and children alike in my electorate of Fremantle than this. Unfortunately, the Abbott government appears intent on destroying this crucial network of marine protected areas. Last week I had a meeting with the Commonwealth Marine Reserves Review regional panel in Fremantle to insist that the health of Australia’s marine environment remain a priority and to reflect the many concerns I have heard from my electorate.

Yesterday, I joined parliamentary colleagues Kelvin Thomson, Lisa Singh, Carol Brown, Andrew Wilkie and Peter Whish-Wilson to meet with the Stop the Trawler Alliance and receive a petition signed by 75,000 Australians who are concerned about the government’s intention to welcome a large foreign factory freezer trawler, the FV Dirk Dirk, which has been rather cynically renamed the Geelong Star, into Australian waters. Senator Colbeck says his government will introduce regulations to ban factory freezer vessels more than 130 metres in length. However, Rebecca Hubbard from the Stop The Trawler Alliance has observed that such a ban would do little to protect Australian fisheries, since many factory freezer trawlers are under 130 metres in length. She says it is the way in which a vessel can hunt and harvest fish that is just as important, if not more important, than its length.

We know, from the experience of other parts of the world, including west Africa and the South Pacific, how large freezer factory trawlers cause localised depletion of fish species, as well as having significant by-catch impact on seals, dolphins and seabirds and causing the
removal of large numbers of important species from the marine food chain. These industrial harvesters are the Godzillas of the sea coming to plunder ‘our family silver—silver that moves, breathes and swims.’ This beautiful description of marine life as ‘our family silver’ is by acclaimed writer Tim Winton, who lives in my electorate of Fremantle and who is deeply concerned about protection of the marine environment.

The former Labor government banned the operation of the supertrawler FV Margiris for two years while an assessment was done of its impact. The coalition opposed this ban and they are now systematically working to undo the protections put in place by Labor. I reflect on these short-sighted endeavours with a Cree Native American proverb: ‘Only when the last tree has died and the last river has been poisoned and the last fish has been caught will we realise we cannot eat money.’

**International Women's Day**

*Mrs GRIGGS (Solomon) (10:04):* In the spirit of International Women's Day, I want to share with the House some of the extraordinary women from my electorate. Pearl Ogden OAM, a well-known passionate Territory researcher, historian and author, has written fourteen publications about the Territory's history. If Pearl is not giving oral histories around the electorate, you can find her giving guided historical tours of Darwin city and, indeed, Parliament House, which I am told she delivers with her usual quick wit and good humour.

Maisie Austin is a foundation member of the Women's Network NT, and she has been the president of this organisation since 2011. Maisie is a small business owner, a mother, a grandmother and another passionate advocate for the Territory, more particularly around women's issues.

I would also like to note Cheryl Wells, who works in the Alan Walker Cancer Care Centre. She is one of the first people that you encounter when you visit the centre. Gerhard Reuter, a very good friend of mine, who is 81-years young, has asked me to acknowledge Cheryl. He said that the support and care that he received from Cheryl while visiting the centre over the last 18 months during his cancer treatment has been amazing. He said that her manner and concern was very comforting and reassuring during a very hard time in his life while, as I said, he was receiving cancer treatment.

Another incredible woman making her mark in the Territory is Rachel Hancock. She is the first-ever female editor of the *NT News*. She has built on all the good elements of the *NT News* and added her own style, which has certainly lifted the tone of the paper. In her own words, Rachel sums up the importance of the *NT News* to Territorians when she says, 'Nationally and globally, our reputation is funny, whacky page 1 headlines with crocs, but, you know, we actually do a lot of campaigning for the community and a lot of keeping the government and opposition in check.' This is very true. Without Rachel and her team, we would not have been so successful in getting the ACCC to come to Darwin to investigate fuel pricing, so I would like to publically thank Rachel and her team for the amazing support that we had in the campaign.

Rachel and her team have also put together this fantastic book called *What a Croc!* It is a collection of all the amazing front-page headlines from the *NT News*. I have a copy of this book in my office, and I also have a spare copy for the Prime Minister. Anyone who wants to
have a look should please come and visit my office, but you can also purchase your own copy. *(Time expired)*

**Petition: Asylum Seekers**

**Mr KELVIN THOMSON** (Wills) *(10:07)*: I present to the House a petition I have received from the Wills Chapter of the Grandmothers against Detention of Refugee Children.

The petition read as follows—

To the Honourable The Speaker and Members of the House of Representatives

This petition of the Wills Chapter of Grandmothers Against the Detention of Refugee Children draws to the attention of the House: The prolonged, cruel and inhumane detention of minors under eighteen in detention centres that causes them significant mental and physical illness and developmental delay and that is in breach of Australia's international obligations.

We therefore ask the House to: immediately take action to free all minors into the Australian community.

from 1,149 citizens

Petition received.

**Mr KELVIN THOMSON**: This petition has been certified by the Standing Committee on Petitions as being in accordance with standing orders. The petition contains 1,149 signatures of people who wish to draw to the attention of the House the prolonged, cruel and inhumane detention of minors under 18 in detention centres, which causes them significant mental and physical illness and developmental delay, and which is in breach of Australia's international obligations. The petitioners ask the House to immediately take action to free all minors into the Australian community. It is indeed high time their applications were resolved.

The government says it has stopped the boats. While what the government calls Operation Sovereign Borders is shrouded in secrecy, in the absence of evidence to the contrary, I will accept this claim at face value. On this basis, there can be no justification for continuing to hold people, especially children, in detention. The government says there are fewer children in detention than there were under the previous government. This is true, but it is not just a question of numbers. It is also about the length of time asylum seekers are being detained. To illustrate, if the government detains 1,000 people for a day, they would not be happy about it, but they are unlikely to suffer long-term harm. But, if the government detains one person for 1,000 days, the risk of severe and long-term damage to that person is very real. I urge the government to expedite the processing of all claims for refugee status. If they are not valid, the applicants should be returned to their country of origin. If they are valid, the asylum seekers should be released.

One further matter which was not raised in the petition but has been raised with me by a number of my constituents, particularly from the Iranian community, is that asylum seekers are often released into the community on what is known as community detention. I used to worry that such people would simply vanish and make a mockery of our system, but I have met a number of these people and they report regularly to the immigration authorities. I believe that community detention can work. But those in community detention have no right to work. They depend on the charity of friends and family. Then there is the boredom of having nothing to do. This is not something that gets sorted out in a few
weeks. I have met asylum seekers in community detention who have been there for months or even years unable to work.

We spend an awful lot of time in this place extolling the moral virtue of work and talking about the physical and mental health benefits of having a job. We should not deny these benefits to people living here in community detention. It is even crazier when you hear employers claiming that they are short of workers and demanding the government increase what is already a massive temporary migrant worker program. (Time expired)

**Centenary of Anzac**

**Mr WILLIAMS** (Hindmarsh) (10:10): Anzac Day 2015 will be a special moment in our nation's history, as we commemorate the 100 years since diggers stepped foot on the beaches at Gallipoli and as we mark the centenary of our nation's involvement in the First World War. As we commemorate the Anzac Centenary, we not only remember the original Anzacs who served at Gallipoli and the Western Front; we commemorate more than a century of service by Australian service men and women.

One of the government's key elements of the Anzac Centenary commemorations is the Anzac Centenary Local Grants Program. I established the Hindmarsh Centenary of Anzac Committee to decide which project applications are worthy of funding in my electorate. I would like to thank the executive members of the Hindmarsh Centenary of Anzac Committee: Cliff Kerwin, President of Hilton RSL; Bill Parry, President of the Henley and Grange RSL; Will Smith, President of Plympton Glenelg RSL; Ken Rollond, former mayor of the City of Holdfast Bay; and others from the council and the community, who met from time to time. Most importantly, I would like to sincerely thank Mr Peter Summers for his excellent work as chair of the Hindmarsh Centenary of Anzac Committee.

I am pleased that 11 projects in Hindmarsh were approved and will receive funding. Such projects include the construction of the Plympton Glenelg RSL's new war memorial in Moseley Square next to the Glenelg jetty. As one of the most visited areas in Adelaide, this will provide a terrific place to hold Anzac Day and Remembrance Day services and serve as a reminder of the service and sacrifice of all those who have worn our nation's uniform, including the more than 102,000 who have made the supreme sacrifice. Another worthy project was the Henley and Grange RSL's history competition for eligible secondary school students. It was a fantastic idea which ensures that school students learn the history of the Anzacs.

Other worthy projects include: the Jewish Community Council of South Australia's photo exhibition; the City of Holdfast Bay's Bay to Battlefield First World War display; the Nazareth Catholic College's Anzac reflection memorial; the Messinian Association of South Australia honour boards; the RSL SA's South Virtual War Memorial; and the City of Charles Sturt interactive website telling local stories about the First World War.

Another successful applicant was Re-Enact SA, who conducted a uniformed march to commemorate the light horse camp at Morphettville. This was held last year, with a formal ceremony in Glenelg, with great paraphernalia and fanfare as many participated walking down Anzac Highway to Glenelg to celebrate this wonderful event. Also, the Army Health Services Historical Research Group received funding to produce a book called *Blood, Sweat and Fears*, which tells the history of medical practitioners and medical students of South Australia.
Australia who served in World War I. The book was highly popular, and the authors have done a great job to receive reprint.

I congratulate all grant recipients and, like many Australians, am looking forward to commemorating the 100th anniversary of the Anzac landings. *(Time expired)*

**Vietnam: Human Rights**

**Mr Hayes** (Fowler—Chief Opposition Whip) (10:13): Yesterday I attended the human rights rally that was organised by the Vietnamese Community in Australia to raise awareness of the widespread human rights violations that are currently occurring in Vietnam. More than 200 people from communities across New South Wales and the ACT assembled outside Parliament House. Having worked very closely with the Vietnamese community over many years now, I know that human rights are a matter that is never far from their minds. In fact, many present at the rally yesterday, including Colonel Vo Dai Ton and Bao Khanh Nguyen, are people who have made the treacherous journey to resettle in Australia in an effort to find freedom and liberty. Despite successfully settling here, they have not forgotten about the Vietnamese people who continue to live under an oppressive regime which fails to recognise basic human rights. Not only does Vietnam have inadequate laws to protect labour rights; it also experiences widespread police abuse, censorship, escalating land right crises, and control being exercised over many religious institutions. More than 100 political prisoners including poets, songwriters, musicians and bloggers are behind bars at the moment.

Since obtaining a seat in the United Nations Human Rights Council in 2013, Vietnam has only accepted 182 out of 227 recommendations made by the council. This raises serious concerns about its approach to upholding fundamental rights. Given the Vietnamese Prime Minister's visit to Australia this week, I specifically asked Labor's shadow minister for foreign affairs, The Hon Tanya Plibersek MP, to raise the concerns of the Australian Vietnamese community with him.

I would like to acknowledge the President of the Vietnamese Community in Australia, Mr Tri Vo, and New South Wales President of the VCA, Dr Thang Ha. Both have been at the forefront of raising the issue of human rights violations. In the rally yesterday there were also many prominent leaders of the Vietnamese community here in Australia, including Joachim Nguyen, Son Van Nguyen, Cong Le, Thanh Nguyen and Duy Nguyen. These influential members have also taken a leading role in advocating against the human rights violations that are occurring in Vietnam and, in particular, drawing attention to the country's tainted judicial system. As Australians, I believe we have a moral responsibility to encourage and promote the universal respect for human rights. Therefore, we must not stay silent where we observe deplorable human rights violations wherever they occur around the globe.

**Robertson Electorate: Centenary of Anzac**

**Mrs Wicks** (Robertson) (10:16): We are just over a month away from a very significant day in our nation's history—a day where, across the Central Coast, tens of thousands of people will pause on the Centenary of Anzac to honour the ultimate sacrifice made by so many men and women over the past 100 years in the service of our nation. We will do this in places such as Davistown, Terrigal, Macmasters Beach and Woy Woy. We will also commemorate Anzac Day in Gosford, where the Gosford RSL Sub-Branch is hosting a
Central Coast veterans' march and a commemorative service to be held at the Central Coast Stadium on 18 April.

This will be a landmark event on the Central Coast and will bring together Gosford's history with our nation's history. Before and after World War I, the town of Gosford was a centre of commerce, with citrus and vegetable products brought in along the railway line, adjacent to where we will be meeting on the 18th, and taken to warehouses in surrounding farms. Many of these men and women who worked in Gosford and on the farms were enlisted to serve. As we sadly know, many never returned. This event will recognise how this shared history shaped our region. I acknowledge the tireless work of Greg Mawson, David Russell, Len Sargent and Patsy Edwards.

I am also pleased to announce today that this major event will receive more than $40,000 from the government's Anzac Centenary Local Grants Program. The Davistown RSL Sub-Branch has also received a grant, with over $15,000 towards what I know will be a moving service at the Davistown RSL Club. Mal Brian, John Green and Wal Sheargold have done an outstanding job in organising a dawn service which is also expected to attract thousands of locals from our community. Their engagement with schools in the Davistown area has been vital in educating the Central Coast about the Anzac Centenary. It is great to see that all students who attend will receive a special commemorative medallion. Davistown RSL Club are also supporting some of the events being prepared by Terrigal Wamberal RSL Sub-Branch which is receiving more than $29,000 as part of the grants program.

At dawn on Terrigal Beach, there will be a re-enactment of the Gallipoli landing performed by 12 boats from the Terrigal Surf Life Saving Club. There are many other events organised by this sub-branch as well as other organisations, with the Central Coast primary schools choir, an exhibition at the Breakers Country Club and some readings from local school students. This significant event in our community is thanks to Peter White, David Ferry and Terry Saxby, and also Paul Quick at the surf club and New South Wales Police Superintendent Daniel Sullivan. For all of these events, I think the grant committee, Kelly Thomas and the team at Gosford City Council.

I also acknowledge the life of Mick Waddell, a former President of Terrigal Wamberal RSL Sub-Branch, who tragically passed away in December. He gave tirelessly and willingly of his time and friendship to all who knew him and he is greatly missed. May he rest in peace.

Holt Electorate

Mr Byrne (Holt) (10:19): Today I wish to praise the quality, the enthusiasm and the capacity of our young people in the Casey region. It was again on display in two recent events. One was a Grand Prix event at Mossgiel Park Primary School in Endeavour Hills last week, and another was a visit by the City of Casey Australia Day Study Tour students to the Australian parliament this week.

Last Friday, I had the pleasure of attending a special event at Mossgiel Park Primary School in the lead-up to the Australian Grand Prix. Students at Mossgiel Park Primary School were invited to make a cardboard Grand Prix car, and prizes were awarded for the best car and the most money raised for charity by the students. When I walked into the school I was presented with an eye-opening display of the students' creativity. I saw a virtual car park full of incredible cardboard car displays in every conceivable colour and configuration. I saw a
brilliant red Ferrari, I saw an ice-cream truck that had speakers—it was a six-person ice-cream truck that was almost fully functioning, but it was pretty heavy for the young student to carry around, though—and I saw a blue Transformers truck that would not have been out of place in the movie itself. There was amazing creativity from a young group of students.

It was a great testament to the students, to the parents and to the school. I commend the parents of those students, who turned out in very large numbers to support their sons and daughters. I also commend the enthusiasm of the teachers, particularly the principal, Jenny Scott. I want to thank them for inviting me to this event. It really was a wonderful way of finishing off a week, and it gave me great confidence in the young people of the area that I represent.

I was also delighted to have a great discussion with some of Casey's future leaders, and this was part of the City of Casey Australia Day Study Tour. We had a really fruitful discussion and, as can happen with intelligent young people of that age, they put some challenging questions to me about the future of the city and Australian contemporary politics. There were 10 young people from year 11: Leia Burrough, Trent Buxton, Arashdeep Dhaliwal, Miriam Fares, Jasmine Gonzalez, Liam Jolliffe, Lauren Murrant, Jarrod O'Donnell, Thomas Velican and Olumide Yinka-Kehinde, who is from Gleneagles Secondary College. They are a very talented young group of people who were very keen to understand about parliamentary life. Some students can ask you very penetrating and confronting questions, and these students are a great credit to the City of Casey and their parents. These are two great instances of groups of young people who show what a great area it is to represent.

Mallee Electorate

Mr BROAD (Mallee) (10:22): One of the great things about being a member of parliament is the people you meet and the people you get to represent, and that goes for all sides of the parliament. I am very biased about my people. We all talk about what we produce in the Mallee, but our greatest asset is our people.

A great example of that is an organisation called the Lucas Foundation. A young child in Mildura contracted botulism and went to hospital in Melbourne, and his family had to find a way of supporting their child for such a very long time as they were travelling over 600 kilometres backwards and forwards to be by their child's side. Out of this journey, the Lucas Foundation was formed. The Lucas Foundation's stated case is, 'A helping hand to Sunraysia's children and their families'. It is to stand by parents and to assist financially the parents and families of very ill children. They are not government backed, just community backed. One of the things I have in my office is a painting I bought for $500 to raise some money for the Lucas Foundation. It proudly hangs in my office in Mildura.

Another great example are Sunassist. They are a small organisation with a whole lot of cars and a whole lot of volunteers. They will go and pick up someone who needs to go to a medical appointment or an elderly person who needs to get their groceries. It is another example of a great volunteer organisation.

While our statistics in the electorate of Mallee show high unemployment and high disadvantage, the highest statistic that we have in the state is, unbelievably, volunteerism. We actually have the highest volunteerism in the state of Victoria in my part of the world. I think
it comes from the independence of country people and knowing that if we do not work together, we will not get the services that we need.

This was evident last week, when the Prime Minister came to Horsham and partnered with the community. The Prime Minister gave a cheque of $1 million—actually, he gave $1 million plus $100, because he got $100 out of his own wallet; we wedged a bit more money out of him! But, because the community is raising $1 million to build an oncology wing, the Prime Minister contributed $1 million, and the state government—we hope—will soon commit to a further $1 million, so that we can have good cancer services. But the volunteerism, the commitment of people—who are not wealthy people—being prepared to put their hands in their pockets and contribute to a cause, and the community spirit are things that I am really proud about. I said to the Prime Minister at the time: 'You have visited now. You can see why I am very biased for my patch, and why our country people deserve to be recognised.'

Ms VAMVAKINOU (Calwell) (10:25): Tomorrow, Friday 20 March, is National Day of Action against Bullying and Violence. I will be attending the launch of the booklet A safer nation for every generation, along with the CEO of the Bully Zero Australia Foundation, Oscar Yildiz; the Victorian Minister for Police and Minister for Corrections, Wade Noonan; and representatives of Corrections Victoria and the Jesuit Community College. This very important event is part of an ongoing program that addresses the issue of cybersafety. It addresses the growing need to do all we can to protect our communities, our families and our children from the often tragic consequences of cyberbullying. Too often, online harassment has had devastating consequences. For this reason, I would like to take the opportunity to highlight the good work of the Bully Zero Australia Foundation.

The idea for the Bully Zero Australia Foundation began in 2012. An independent local task force was established to address the scourge of cyberbullying. This task force was the initial step in setting up the nationwide Bully Free Australia Foundation, as it was originally called; an idea that was conceived and founded by Moreland councillor, Oscar Yildiz, and launched by the then Prime Minister, Julia Gillard. The aim of the foundation was and still is torun education programs, support victims and lobby for safer social media. The task force included amongst others the then Race Discrimination Commissioner, Helen Szoke; psychologist, Michael Carr-Gregg; and several local Labor and Liberal MPs. The families of Brodie Panlock, Sheniz Erkan and Allem Halkic, who sadly all committed suicide after being bullied, were also part of the foundation. The case of Allem Halkic was the first successful death-related-to-bullying application to come before the Victims Of Crime Assistance Tribunal.

I want to commend CEO, Oscar Yildiz, for his terrific work. On 15 December 2014, the foundation launched a 24/7 national hotline. It is the only hotline in Australia dedicated to helping victims of bullying and their families. Since the launch of the hotline, it has answered some 3,000 phone calls. The foundation delivers hundreds of free workshops to schools, students, parents, teachers, sporting clubs, and community groups, and it operates on a shoestring budget. It attends a minimum of four schools a week. Oscar Yildiz and his foundation are to be commended. In relation to the appointment of a Children's e-Safety Commissioner proposed by recent federal legislation, Oscar says: 'It is fantastic to see the prospective commissioner will have the power to issue notices to end-users who post
inappropriate material or engage in cyberbullying. Removal of such material by the commissioner further enhances policing and enforcement.’

Forde Electorate: Volunteers

Mr VAN MANEN (Forde) (10:29): It was some time ago now that I partnered with Do Something Near You, to launch a website making it easier for people to volunteer locally. This is a fantastic initiative, especially in my electorate of Forde where we have a large number of community organisations and groups that rely on local volunteers. Do Something Near You helps locals sign up for the local SES or local volunteer fire service. They can also help out at the local charity op shop, volunteer for local Meals On Wheels, join the local Rotary or Lions Club, or help out with a myriad of other community programs. Locals can also find out how to get involved in events such as Clean Up Australia Day, Daffodil Day, National Tree Day, the Red Shield Appeal and much more. It would be great to see more local people take part in such events. I would like to see more locals connecting with our local community organisations through the Do Something Near You portal.

I would like to take this opportunity to also acknowledge the Twin Rivers Food Co-op in Eagleby. The co-op recently extended their trading hours due to demand from within the community—those who rely on low-cost groceries to get by. I would also like to thank the co-op’s Work for the Dole participants for the terrific job they are doing in contributing to such a great organisation and helping thousands of local people in the electorate of Forde.

Other community organisations, such as our local Rotary Clubs and Lions Clubs, also count on volunteers to deliver their community events. We have some terrific annual community events in Forde that enormously rely on those local volunteers' contribution. For example, the Beenleigh Cane Festival, which is run by the Rotary Club of Beenleigh; the Ormeau Fair, which is organised by the Ormeau Lions Club; and the Eagleby Festival, which is run by the Eagleby Community Association. Thousands of local people would not be able to enjoy these events, or receive the community support that they do, if it was not for our volunteers.

We have a tremendous community with enormous pride and it is largely thanks to the local people who give their time to others that this is realised. The greatest gift you can give someone is your time, because when you give your time you are giving a portion of your life that you will never get back. It is well worth it though, and volunteering can be enormously rewarding.

Do Something Near You is an online rolcall of community groups and community events. The concept is the brainchild of the not-for-profit charity Do Something whose creators include Planet Ark founders John Dee and Pat Cash, and former National Trust of Australia head Tina Jackson. I wish them every success in the future.

The DEPUTY SPEAKER (Ms Landry): In accordance with standing orders 193, the time for members’ constituency statements has concluded.

ADJOURNMENT

Mr VAN MANEN (Forde) (10:32): I move:
That the Federation Chamber do now adjourn.
Calwell Electorate: Food and Beverage Growth Plan Melbourne's North

Ms VAMVAKINOU (Calwell) (10:32): At a time when the manufacturing sector is undergoing significant challenges with thousands of jobs going overseas as major manufacturers relocate offshore and Australia's overall unemployment rate sitting at about 6.4 per cent, there is growing concern amongst analysts and economists that resource-rich Australia could tumble into a recession as early as this year. This worrying trend has been manifesting strongly in previous manufacturing strongholds, such as my electorate where motoring giant Ford Motor will shut its manufacturing operations in 2016 and unemployment in Broadmeadows is currently at 27 per cent. The local retail sector is feeling the decline also with combined sales at the Broadmeadow Shopping Centre down 13 per cent in 12 months through June compared with three years ago.

In light of this, I want to speak today about a very important report that has been recently released. The report is called the Food and Beverage Growth Plan Melbourne's North and it is a master plan for developing food manufacturing in Melbourne's north region. The report was originally commissioned by the RDA Northern Melbourne and NORTH Link.

My electorate of Calwell lies in Melbourne's north corridor. In recent years we have experienced massive changes in our traditional manufacturing sector. Besides the closure of Ford, due in 2016, our once robust clothing and textile sector is well and truly a thing of the past. Yet our region continues to grow in population meaning that these major global economic shifts are having a direct and immediate impact on our local communities and job prospects for our local people.

The dramatic social impact demands that we look to find new opportunities for business in order to nurture new markets and create new jobs, as we evolve from a manufacturing region towards a knowledge economy with high-tech manufacturing supported by research hubs being very much the way of the future.

The Food and Beverage Growth Plan identifies a food hub in the north of Melbourne that provides opportunity for the area to develop niche food markets and products, as well as to develop expertise and research that helps understand and address the importance of food security and the growing demand for food products in the Asia-Pacific region.

This important report heralds a very promising future and presents a growth plan to further develop the existing food and beverage processing and trading sectors. It identifies opportunities to grow the industry by highlighting blockers to growth, and strategies required to respond to them. The report found that the region comprising seven local government authorities—Banyule, Darebin, Hume, Moreland, Nillumbik, Whittlesea and Yarra—have about 400 food and beverage businesses, with a turnover in excess of $1 million a year that generates a gross regional product of $2.6 billion per annum.

Should the key findings of this report be implemented, these businesses have the potential to increase total turnover to $5 billion in 10 years and to create some 7,000 new jobs. Currently, these businesses in total employ about 10,600 people. Melbourne's north generates 13 per cent of Victoria's gross domestic product and leads the state in production of many food categories—such as bakery, confectionery, dairy, seafood and meat. It is home to an eclectic mix of artisan businesses, including boutique microbreweries, premium chocolate makers, coffee roasters and gourmet food distribution companies, as well as multinational...
food and beverage manufacturers such as Mission Foods, Baxters and Nestle. The ethnic diversity of food produced is reflective of the region's multicultural heritage and part of its identity.

The findings show that smaller companies are taking advantage of niche markets and alternative channels to market their products outside of the normal supermarket chain. These success stories are happening in our local area, despite the difficult challenges that the current Australian food and beverage sector is facing. And some of those challenges go to domestic production being relatively flat, declining profitability, and margin pressure driven by deflationary food prices, as well as rising production costs and increased competition from imports, to name just a few.

Adding to the importance of the report is the relocation of the fruit and vegetable market to Epping as well as the region's two universities, La Trobe University and RMIT, who have strong programs in the food science area. In total, this makes Melbourne's north an exciting prospect for developing our food manufacturing industry into the future, and it certainly bucks the national trend. I am very pleased to recommend the report to the chamber.

Hasluck Electorate: Baseball

Mr WYATT (Hasluck) (10:37): During my time serving the people of Hasluck, I have had the opportunity to meet with many inspiring people. One of those people is a fellow Western Australian who is little-known in the Australian media but has achieved great success overseas. His name is Jon Byrne, and it should not take much for me to pitch to you the success of this Australian major league umpire of baseball.

Jon Byrne of Perth has joined one of the hardest clubs to crack in all sports. He will have completed an odyssey that only a select few ever make. Many of you would have heard of the New York Mets or the Red Sox and you may also know that baseball is America's favourite sport. But there have only been 11 major league baseball umpires born outside the US, most of whom were born elsewhere in the Americas.

In May last year, as Jon stepped onto the field he made history. Jon officiated America's favourite pastime at the highest level in the major leagues. Jon is the first Australian-born major league umpire and Jon has truly broken the record. This is no stroke of luck. This comes after 10 years of working in the minor league baseball game throughout the US. This is no insignificant accolade. There are only 74 umpires required in major league baseball. It has been a long run, if you consider that Jon started umpiring in WA as a 13-year-old 18 years ago.

I am humbled to know that Jon made his start in the under-12s ballparks in Perth. But no great home run comes without sacrifice, especially when the hard journey begins with being away from his family seven months of the year, even though Jon's family can watch him from home on video stream, and his wife Kim and eight-year-old daughter Ella make the journey to the US to see him.

I must say that I do have a lot of respect for umpires and referees in any sport. They put in a huge amount of effort, and the fans only notice them once they feel that their team has been treated unfairly by those in charge.

In Jon's case, he has been extremely successful. Baseball is in Jon's DNA. Jon's father Stephen Byrne is the chairman of the Baseball WA board of directors. I was delighted last
year to see Jon nominated for the Fielder's Choice Official of the Year at the Australian Baseball Gala. I was very proud to see a fellow Perth local receive such an accolade. This was truly a great representation of baseball in WA and nationwide.

Major League Baseball and the Australian Baseball Federation have joined forces in Australia, thus reviving the Australian baseball league and re-energising a strong baseball following in Australia. This has provided a launch pad for young Australian talent and international players in their US off-season. The Australian national baseball team has participated in all three instalments of the World Baseball Classic and the Perth baseball club has been managed by the Pacific Rim scouting coordinator of the Boston Red Sox.

In their opening game in 2009, the Australian team defeated Mexico 17 to seven and set a new tournament record for hits in a game with 22, including four home runs. Australia finished fifth in the 2011 IBAF Baseball World Cup, but Australia's most spectacular international baseball achievement to date came at the 2004 Athens Olympics, where the Australian team took the silver medal. Australia currently has 60 players under contract with US major league organisations. As you can see, in world baseball Australia is having a good strike rate.

Barbagallo Ballpark in my electorate of Hasluck is the home of baseball in WA. It is located at Tom Bateman Reserve, Thornlie. Barbagallo Ballpark has a seating capacity of 1,200 and standing room for a further 4,500. This includes an upgraded batter's eye in centrefield, an electronic scoreboard, an improved playing surface and an outfield fence. As a great fan of the local WA baseball team, Perth Heat, I want to see Perth become the next capital of baseball in Australia.

I congratulate Jon Byrne and wish Perth Heat good luck for this season. The thing I love about the game is that it is one of the only games I know of where, when a foul ball goes outside the field, the kids are allowed to keep the ball. At the end of the game, the kids race down and find their favourite player and get the ball autographed, leaving them with a souvenir. In the last Perth Heat game I went to, 26 balls became the property of the young fans who enjoyed chasing those balls, getting them and having them signed.

Central Coast Community Women's Health Centre

Ms HALL (Shortland—Opposition Whip) (10:42): On 11 March this year, the Central Coast Community Women's Health Centre made a presentation to the Senate Select Committee on Health. This is an organisation that delivers on-the-ground services to women. It provides vital services in an area where services are greatly needed. It is a feminist health centre and a centre of excellence. It gives women on the Central Coast access to holistic health care. It is a non-profit organisation that has been running since 1976.

All the Central Coast members of this parliament, including Senator Deb O'Neill, are patrons of the Central Coast Community Women's Health Centre—the member for Robertson, the member for Dobell and myself are all patrons. We all take the work they do very seriously. The centre has a membership base of approximately 50. That is not the people using the services; it includes staff, volunteers and community women who work to advance the health and wellbeing of women on the Central Coast. The centre runs preventative and early intervention holistic health services—a range of services. It is unique in that, as a women-only service, it offers a safe place for women under a social model of health. I think
that is very important, particularly on the Central Coast where there are very high rates of domestic violence. It has the highest rate of domestic violence of any area in New South Wales.

It has a non-institutional approach to providing services and is affordable and low cost. It also provides women with the opportunity to volunteer. It maintains a feminist perspective within a preventative-health framework. It is sustainable—it has been running since 1976. It provides clinical services, counselling and advocacy, group services, child care, community engagement and development and alternative services. Central Coast Local Health District provides gynaecological and outreach services, pap smears and breast clinics. They provide services in all areas of the coast. Interrelate Family Centre, Uniting Care, Coast Care and CatholicCare all operate through the centre.

When the service presented to the Senate health committee, they emphasised the need for a service such as theirs, a service to look at well-women's issues—including gynaecological health and breast health—and chronic-disease health, domestic violence, self-esteem, sexual health, anger and anxiety. Quite often, women will present at the centre with one problem and, as they become more comfortable in that environment, they will disclose many other issues. They are currently making an effort to highlight the unique grassroots nature of the organisation and how they have a flexible response to the needs of the women on the Central Coast.

Over the last 12 months they have had a number of client contacts, and these are broken down into different areas. The service is funded through New South Wales Health. I encourage them to continue to fund it. I know that a Foley government would continue to support it. It is really important that services such as this are maintained. Homelessness is a major issue for women and children experiencing domestic violence, and cuts to funding of women's refuges has made it even harder for women on the Central Coast.

Asylum Seekers

Mr HOWARTH (Petrie) (10:47): The coalition government will resettle 13,750 refugees in Australia this year. We are increasing the size of our humanitarian program to 18,750 places by 2018-19. This will allow an extra 7,500 people over the coming years to be resettled here. The 2018-19 program will represent Australia's largest offshore humanitarian intake in more than 30 years. Of course 18,750 places is really a drop in the water, in terms of the millions of people who have been displaced due to conflicts going on around the world. We could almost double this over the coming years and it would still be quite small.

The fact of the matter is that we can now be sure that those 13,750 places, this year, will go to legitimate refugees. I strongly believe that not all of the people who came to Australia by boat were refugees. By stopping the boats, by ending the disaster that happened under the Labor government, we have ensured we can give priority to those people who are most in need.

I acknowledge Vikki Routledge, from my electorate, who came to see me as a passionate voice for asylum seekers. I acknowledge Vikki's compassion and heart for people who are suffering in countries like Iraq and Syria and countries throughout the African continent, and I thank her for the work she does with her advocacy group, TEAR. I also thank a number of other women, from a book club in Redcliffe, who recently came to see me. They advocated
for refugees and brought awareness to their plight. I want to assure her and others that we are increasing our refugee intake in the most sustainable way. We cannot take in every single refugee. This would be impractical. There are millions of refugees around the world. And it is not what the majority of people in my electorate of Petrie want to see. What the majority want to see is what the coalition is actually focusing on—helping nations overcome institutional issues and to help them rise out of poverty.

What is the federal coalition government doing in this area? Well, Australia has a generous aid program. It is between $4 billion and $5 billion. It is $5 billion this year in 2014-15. Next year it will go down to $4 billion because we cannot get a lot of our savings through the Senate, and we need to make savings given the fact that we are spending something like $13 billion a year on interest only—Imagine what we could do with that money if Labor had not racked that up in the six years? Australia's position as the 10th largest donor in the OECD remains unchanged. By contrast, our economy is the 12th largest in the world.

But aid alone will not help lift people and nations out of poverty. So the overarching goal of Australia's aid program is to support poverty alleviation through sustainable economic growth. Yesterday, the Foreign Minister launched a photographic exhibition to celebrate 40 years of partnership with the NGO community through the Australian NGO Cooperation Program. In her speech, the Foreign Minister noted:

We meet at a time when many of our dear friends and neighbours in the Pacific are feeling the full impact of Tropical Cyclone Pam. I am pleased that the Australian Government was able to respond rapidly to requests for assistance and in the last few days we have had eight RAAF planes filled with life-saving equipment and supplies and personnel land in Port Vila.

Australia will continue to support our friends for as long as they need our assistance. This is what our humanitarian program is about and this is what our aid program is for—to assist people in need. The Syrian conflict has created one of the worst humanitarian crises currently facing the world. Over 200,000 people have died in the last few years, 3.8 million have fled to neighbouring countries and 7.6 million are internally displaced. At the end of the day, we want to make sure that those positions are filled with legitimate refugees and we are acting. The Australian government, the coalition, have made bold changes to border protection and to our foreign aid and we are seeing fantastic results.

**Harmony Day**

Ms ROWLAND (Greenway) (10:52): A few weeks ago in this chamber, I spoke about some of the disturbing incidents in which some law-abiding Australian citizens have been made to feel like they do not belong in our society, including violence and bigotry against people from Sikh and Muslim backgrounds. So I think it is very fitting today as we lead into Harmony Day this Saturday to reiterate—

_A division having been called in the House of Representatives—_

_Sitting suspended from 10:53 to 11:03_

Ms ROWLAND: The theme of Harmony Day is that everyone belongs. It is wonderful to see our community embrace Harmony Day and embrace the various activities associated with it. I will just mention a few.

I was very pleased that the federal parliamentary Labor Party caucus participated in A Taste of Harmony last Tuesday. This great initiative is done in conjunction with Harmony
Day. It has some very high profile ambassadors. It is Australia's largest workplace event for celebrating cultural diversity in our workplaces. The idea is to share the stories of our many different backgrounds over a morning tea or a lunch and to bring various tastes that demonstrate Australia's multiculturalism. It was very pleasing to see members of the caucus bringing along items such as Lebanese sweets from Lakemba, Greek cakes from Melbourne and French pastries from Canberra. It was a wonderful exhibition of Harmony Day in our parliament.

I will be attending a number of Harmony Day events in my electorate and local communities over the next couple of days, and there are a couple I would like to mention. The Super Sikhs Sports and Cultural sports team, which operates out of Glenwood, actually has a Harmony Day Tri Series Cup schedule. I predict that several of our future cricket internationals will be drawn from Greenway and, I am quite certain, from the Super Sikhs Sports and Cultural association, which will be very pleasing to see. They will be celebrating Harmony Day in Glenwood this weekend, and I look forward to joining them.

I also look forward to joining the Harman Foundation at their ceremony at Glenwood Park Lake, on Sunday morning. The Harman Foundation is a local group based in Stanhope Gardens, in my electorate. The Harman Foundation was established in the memory of Harman Preet Singh, in 2013, to raise awareness of grief, loss, depression, anxiety and other mental health issues, through seminars and face-to-face consultations. The foundation also provides victims with small financial assistance to tide them over in difficult times. They believe in empowering the community with the wealth of family values to carry on Harman's legacy at all stages. That is a wonderful thing to have initiated, and I look forward to that.

I also look forward to joining in the celebrations for the Sydney Chithirai Festival, a Tamil community festival that is conducted by the Tamil Arts and Culture Association. It is a very big event that is held at Rosehill racecourse and it will be held this Sunday. It will feature popular Tamil folk artists, folk musicians and performers, and will be supported and sponsored by the Tamil Nadu government in India. They expect over 1,500 families, mainly Tamils of India, Sri Lanka, Malaysia, Singapore, Fiji, South Africa and Mauritius, to attend. Having attended this festival in past years, I know what a success it will be this year and I am very much looking forward to that.

Tomorrow I will be very pleased to be joining my old school, Saint Bernadette's, Lalor Park, for their Harmony Day liturgy. It is something quite special to be invited to be a special guest at my old school for occasions such as this. They have very kindly provided me with the reading that I am going to be practising it over the next 24 hours. I think it is very special to point out, as part of their liturgy, that Australia is home to 22 million people and over 260 different languages are spoken in Australia, including Indigenous languages. We identify with people from around 270 cultural inheritances.

The key message of Harmony Day is that everyone belongs, meaning that all Australians are a welcome part of our country, regardless of their background. The idea that we have people from a number of different cultures is one of our strengths; however, we must continue to work together to encourage participation, inclusiveness and respect for all community members.
I know that Harmony Day is celebrated in many other schools, including my daughter, Octavia's, childcare centre. They will be celebrating it probably as we speak. It is wonderful to see an area of Sydney which is so diverse to have organisations that are very encouraging of celebrating our diversity. I want to congratulate Catherine and all the staff at Octavia's childcare centre. I am sure they are having a wonderful time today. I am sure we can all agree that when we see children in our electorate the way they interact with one another without judgement, we are reminded that racism and bigotry are not normal, and that Australia has a very bright future when we see the calibre and quality of our young people.

**Wright Electorate: Education**

Mr BUCHHOLZ (Wright—Chief Government Whip) (11:08): I acknowledge the previous speaker's contribution to this national Harmony Day, the impact that it has in this place and more broadly across our great nation, and the contributions that everyone in this place is making in that space.

More importantly, I stand to talk on issues of education and the education reforms that this government is looking to pursue. I think there is an element of commonality and agreement that if the higher education reform space is left in the space that it is in the moment, it will be unsustainable. I think there is broad agreement on that.

While I want to look at higher education and how it affects my electorate, I also want to acknowledge what happens at the lower end of the scale, at the beginning of a child's education process, and acknowledge in my electorate of Wright the no less than 69 schools that service our communities and families. These 69 schools are made up by a vast array of students. In some of the more regional and remote localities, I have schools with only 10 students—and, at the other end of the spectrum, I have schools with just under 1,000 students. I acknowledge the contributions that principals, support staff, executive staff, P & C presidents, and those groups make to the development and education of our youth in this nation. Today, I would like to spend some time shining a light on smaller regional schools in my electorate which play a role in what are sometimes very isolated communities, with standards of infrastructure which vastly need improvement.

Last week I was over at Murphys Creek—and for anyone everyone reading the *Hansard*, Murphys Creek will not be a locality that springs to mind, or that they know as they do Sydney and Melbourne. Murphys Creek is a small community located at the bottom of the Toowoomba Range, about an hour and a half or two hours directly west of Brisbane Airport. I had the opportunity to spend a couple of hours at the school, which has about 60 students. The principal, Lyndal Simonds, has done a wonderful job of encouraging parents to participate in school life, which was evident from the number of parents in attendance at a leadership ceremony that we had on the day. While I was there, I presented awards to School Captains, Chloe Graf and Kale Hill; and House Captains—which have more of a sports orientation—Jordain Beezley, Kale Hill, Molly Wilson, Rockey Graves and Zac Keogh. These guys are all tomorrow's leaders—they are all our future athletes.

After we had the opportunity to catch up with Murphys Creek, we went to another small village called Withcott. Withcott is not too far from Murphys Creek, and is also located at the bottom of the Toowoomba Range. It is actually the community you drive through before you drive up the Toowoomba Range. I would like to acknowledge the principal there, Tania Angus, who had just returned. She inadvertently got a dose of salmonella at the recent school
principals’ function in Brisbane I am glad she has come to no harm, because she does an outstanding job in that space. It is wonderful to see her back on deck. She has a school motto of responsibility, respect and resilience—excellent principles to be teaching our youth of tomorrow. While I was there, I presented leadership awards to School Captains Matthew Thomson and Shadahn Robinson; and to Sports House Captains and Vice-Captains Danah Gaske, Abi Reichle, Anthony Anderson, Ben Warren, Charlotte Tate, David Lange, Emily Gemmell, Claire Brettell, Jack Debortoli, Jacob Armstrong-Dark, Maggie Harris, Mia Perkins and Michael Donahoe. There were a number of other awards which were handed out there on the day which the school and I are eminently proud of.

We finished the day at Grantham State School, another school which is doing an outstanding job. Grantham was one of those small communities which struggled four years ago in those devastating floods. I acknowledge the contribution of the principal, Rebecca Cavanagh: what a wonderful job she has done. I also acknowledge the leadership team they have over there, with Allierah Taylor, Chelsea Reinke, Cindy-Lee Olsen, Clair Matsen, Cormac Bramble, Larna Sukienik, Phoebe Murray, Shannon Latz, Debra Dunne, Hayden Stead, Jesse Bownas, Haydene Noe, Karissa Sparkes, Rhianna Williams and Sara Barkle—all leaders of tomorrow.

I acknowledge the contributions of these schools to the electorate of Wright.

**Indi Electorate: Financial Assistance Grants**

**Ms McGOWAN** (Indi) (11:13): I would like to second the comments of the member for Wright. It is just fantastic to see the passionate interest he has in education and to see him acknowledging all those wonderful people who do the work that they do, and I would like to be associated with his comments.

Today I would particularly like to talk about Financial Assistance Grants to local government. I have previously addressed this House regarding these grants and regarding the decision to freeze their indexation as part of the government's budget cuts. I wish to talk about the impacts of this indexation freeze on my electorate of Indi, and to highlight the unintended consequences of this policy for the small rural and regional councils that I represent. Firstly, Madam Deputy Speaker, let me make it clear that the impact of this policy on local government budgets is hitting small rural and regional councils far more heavily than their metropolitan counterparts, as you would know. Small rural and regional councils, including those in Indi, rely on this funding to support operational activities. The impact of the freeze becomes clear, Madam Deputy Speaker, when you understand how this money contributes to councils' overall income—

*An honourable member interjecting—*

**Ms McGOWAN**: Absolutely. In Towong Shire, the financial assistance grant of $3.6 million makes up 22 per cent of the council’s annual income, and in Mansfield and Indigo grants of $2.6 million and $4.2 million respectively provide 19 per cent and 18 per cent of the councils’ annual budgets. In contrast, the City of Geelong receives $19 million annually, and this comes in at just seven per cent of their total revenue. For the cities of Wyndham, Casey, Whittlesea, Greater Dandenong, Brimbank and Hume, who all receive over $10 million annually through the Financial Assistance Grants program, this funding contributes only three to eight per cent of their total income.
Freezing indexation, for large metropolitan councils like these where the grant makes up such a small percentage of their income, may have negligible effects. However, in my electorate of Indi this grant makes up a significant proportion of the councils' budgets, and these cuts are having a really big impact on the communities that I represent. Over the three financial years from 2014-15 to 2016-17, the approximate losses are: in the Alpine Shire, $600,000; in the rural city of Benalla, $630,000; in Indigo Shire, $750,000; in Mansfield Shire, $470,000; in Murrindindi, $740,000; in Towong Shire, $658,000; and for Wangaratta City Council, $1,100,000, and Wodonga City, $780,000. That is a total of nearly $5.7 million that is being taken out of Indi and way, way beyond what we deserve.

The losses in Indi cannot be recouped, and in fact councils are facing an additional financial burden due to the Victorian state government's decision to cap rate rises. In addition to this, the Victorian government has just announced that the Country Roads and Bridges program will not be renewed, putting additional pressure on local councils' budgets.

One council has described the freezing of indexation as 'the straw that is breaking the camel's back'. This is really serious stuff that I am talking about today, and what it actually means on the ground is that community swimming pools, skate parks, recreation reserves and parks and gardens will receive less maintenance. It will mean reductions in other council services like maternal and child health, immunisation programs and libraries. It means that the local transfer station will go from maybe being open three days a week to one day a week. These are impacts that will be felt by communities and visitors right across Indi.

An honourable member: Blame the Labor Party!

Ms McGOWAN: The member opposite has suggested I blame the Labor Party. Since when would we be attributing blame for the decisions made in last year's budget to some historical feat? So my call today is to ask members opposite who represent rural communities to get in there and battle for us so that this indexation will finish and funding will be reinstated in the next budget.

Sadly, the problems caused by this freeze are not limited to just this three-year period. The impact will go on and on.

So, to the four or five members of the government who are here today—and Madam Deputy Speaker Henderson, you are also a member of the government—what I would really be grateful for is this. We can stop this. We can reintroduce indexation. And that would make a huge difference to communities like mine, in the future that we need to face—hopefully, with particular emphasis on the importance of rural and regional communities and how they need more attention from government, not less.

Infrastructure

Dr HENDY (Eden-Monaro) (11:18): I often refer to a concept I call the 'country-city compact'—basically, the recognition that country Australia needs to have a fair share of attention and resources. It is about ensuring that country areas have the infrastructure required to contribute to the national economy and to have equality of opportunity, as their city counterparts do. The coalition has rightly nominated infrastructure spending as a key to productivity growth for the nation. It is a central plank in our economic strategy for building our nation in the 21st century.
We can see just such infrastructure and an example of the country receiving a fair share of attention and resources in the rollout of the National Broadband Network across the nation. It is not often that one is able to give precise figures when speaking about a nationwide infrastructure program such as the NBN. But I am able to provide the precise number of premises that were ready to be connected to the NBN on the day I was elected as the member for Eden-Monaro.

The precise number of premises that were NBN-ready in Eden-Monaro on that day was zero. Not one person in my electorate could have connected to the NBN. This is despite all the fantastical claims of the previous government over six long years. There is one thing country people know, and that is when they are being fed a line. The previous government fed the people of Eden-Monaro a line and the people did not buy it. In fact, they rejected the previous member, with one of the biggest swings against Labor in New South Wales.

The former Labor government dreamed of an NBN, but dreams are not deliverables. The people of Eden-Monaro cannot conduct and grow their businesses on dreams; the people of Eden-Monaro cannot educate their children on dreams; and the people of Eden-Monaro cannot connect with the world and achieve happy, productive lives on dreams.

The difference between the coalition and those opposite is that we do not just dream, we deliver. Last year we handed down a $50 billion infrastructure package, the single-largest infrastructure package in Australia's history. Eden-Monaro is the home of that great infrastructure project, the Snowy hydro scheme. Can I tell you that the coalition's infrastructure package, coupled with the contribution of the states and the private sector, will be the equivalent of eight Snowy hydro schemes? Of course, you can dream big, but you have to apply effort to those dreams to achieve outcomes. This is where those opposite fail. They have an ambition-capability mismatch. They promised the world when it came to the NBN and delivered nothing in six years.

Right now in Eden-Monaro a rollout of the NBN is occurring to the tune of $90 to $100 million. Unlike the failed policy of the last government to put all their eggs in the fibre basket alone, it is now a multiple-use technology system. It is a sensible mixture of fibre, fixed wireless and satellite.

Today, in Eden-Monaro, 2,905 residences are ready for fibre-to-the-premises connection. Across the country, it is over 450,000. Today, in Eden-Monaro, 2,086 premises will be covered by fixed wireless already under construction. Across the country, over 173,000 premises are already covered by fixed wireless. The rollout continues apace. In Eden-Monaro, a further 7,900 fibre to the premises are under construction right now. Nationally, there are a further 545,000 fibre to the premises under construction. Add to that a further 2,800 fibre to the premises in build-preparation in Eden-Monaro and 188,000 nationally.

The numbers are impressive, and more is to occur. Across the nation, this year we will see construction commence to cover 1.9 million residences and businesses using fibre to the premises, fibre to the node and fixed wireless. The infrastructure to support this rollout is also being delivered. The Wolumla satellite ground station in my electorate is one of 10 critical pieces of infrastructure built in remote and regional Australia for the Long Term Satellite Service. This impressive facility, at an estimated cost of some $25 million, is an important step towards completing the satellite service and bringing fast broadband to regional and
remote communities across country Australia. This is what happens when you apply effort and convert dreams into outcomes.

A lot has already been done, but we do not sit on our laurels. The minister tells me that we should know all the construction schedules for the NBN by the end of next year. This is what we do in the coalition: we do not just dream big, we deliver big.

**Blair Electorate: Ipswich Motorway**

Mr NEUMANN (Blair) (11:23): Why have the Prime Minister and the Liberal-National Party government reneged on their promises to fix the Darra to Rocklea section of the Ipswich Motorway? This is the remaining bottleneck on the Ipswich Motorway.

The Labor government built the Dimmore to Darra section of the Ipswich Motorway at a cost of $2.8 billion. It was started, built and completed under the Labor government. In our last budget, we put $279 million in to kick-start the final section of the Ipswich Motorway. It is not located in Blair, it is mainly located in Moreton, but the Ipswich Motorway is the principle corridor between Ipswich and Brisbane. It connects through the Warrego and Cunningham highways, the Logan Motorway and the Centenary Highway in South-East Queensland.

The council of South-East Queensland mayors has been here in Parliament House this week and I met with them. I have spoken previously in parliament about their important infrastructure needs for South-East Queensland. We gave $40 million to the former government in Queensland to design and complete the project business case for the Ipswich Motorway Darra to Rocklea section upgrade. About 100,000 vehicles a day, at peak hour, can go on Ipswich Motorway, and what is proposed is six lanes between the Centenary Motorway at Darra and the Granard Road interchange at Rocklea and some improvements to interchanges on the way. But the $558 million proposed in stage 1 of the upgrade would be from the Oxley roundabout to Suscatand Street along the Ipswich Motorway.

The coalition, over the four federal elections that I have been involved in, have opposed the Ipswich Motorway upgrade entirely. In fact, they voted against the Ipswich Motorway upgrade again and again. The now Deputy Prime Minister and Minister for Infrastructure and Regional Development, in parliament in October 2009, said he would stop the construction on the Ipswich Motorway between Dimmore and Goodna. That was a great help to me in my election campaign against my opponents, who were going to stop construction and jeopardise 10,000 jobs. But, right before the last federal election, the now Attorney-General stood with the candidates from the LNP in Oxley and Blair, and the defeated former state member for Ipswich, and all of a sudden had a road-to-Damascus conversion. This is what Senator Brandis had to say: 'If an Abbott government is elected you can be quite sure that this money will be invested; it will be spent.' And, to the credit of the Abbott government, $279 million to kick-start it was put in the last budget. We had hopes that this was a change, but, no—Campbell Newman and the LNP government had a blue with us, and it had a blue with this government, about what should happen.

So what has happened? Absolutely nothing from the 'Infrastructure Prime Minister.' Nothing has been done in relation to the final section of the Ipswich Motorway, which is so important for places like Brisbane, Ipswich and all of South-East Queensland. What will this do? It will improve road safety, it will ease traffic congestion—it is a goat track. It will
improve traffic reliability and improve travelling time for motorway users. It is important for those farmers who want to get their produce to the Rocklea Markets and for those people who want to get their minerals to the Port of Brisbane for export. It is important for those people who travel into Brisbane for specialist health services. It is important for those people who commute for sporting and cultural activities along the Ipswich Motorway to Brisbane. It is has been the bane of people's lives. The Council of Mayors South East Queensland is absolutely correct to make this a priority.

The government have the money in the budget: get on with the job and help the people of South-East Queensland. If they say they are in favour of small business and economic development in a region where one in seven Australians live—which has contributed to 20 per cent of the growth in employment, economic development and GDP in the last 10 years—they should put the money in this vital infrastructure project, which they say they are now in favour of. I can tell you this: if, at the next election, they have not started it, I will be politically crucifying the candidate who runs against me from the LNP in relation to this. I look forward to them explaining why nothing has been done.

**Dobell Electorate: Lifeline**

**Mrs McNAMARA** (Dobell) (11:28): I rise today to share the story of Lifeline Central Coast/Hunter and the Steel Magnolia Awards. Lifeline on the Central Coast was established in 1966, when Reverend John Chegwidden received a distressing phone call from a man wanting to know if there was a Lifeline service operating in the region. Since that day almost 50 years ago, Lifeline has been supporting people suffering from mental health issues in our community.

Sadly, the level of youth suicide on the Central Coast is far too high. In fact, two in three Australians know someone who has died through suicide, yet one in four are unaware of services providing support for people who are suicidal. We are blessed in our community to have many dedicated people who are addressing this major issue, and organisations such as Lifeline provide much needed support to those who are facing mental distress.

Lifeline offers a beacon of hope and reassurance that life's challenges can be overcome. Over the years Lifeline volunteers have heard stories from men and women who have had courage, strength and hope in the face of unimaginable adversity. The inspirational stories of the women helped by Lifeline inspired the creation of the Steel Magnolia Award. Each year Lifeline holds a fundraiser and awards luncheon at the Mingara Recreation Club, at Tumbi Umbi, which is an event I have proudly attended and supported for over three years now.

This year's Steel Magnolia Award recipient is Julia Sawyer. Julia established Blair's Wish, in 2011, to assist children afflicted with a physical disability. At just 18 months of age, Julia's third child, Blair, was diagnosed with quadriplegic cerebral palsy. Throughout this heart-rending experience Julia saw an opportunity to make a difference to other parents with children living with a disability. After waiting two years for a specialised wheelchair for Blair, only to find when it was delivered that Blair had outgrown it, Julia decided there and then to establish Blair's Wish.

Blair's Wish started as a simple Facebook page, but it has grown from that. The vision of Blair's Wish is to operate a loan pool of vital equipment for children diagnosed with cerebral palsy and for special needs children diagnosed with conditions similar to cerebral palsy; to
provide support to families affected by cerebral palsy and similar disabilities; and to increase public awareness of cerebral palsy. Today these dreams have been realised, through Julia's determination and willingness to approach businesses and source demonstration models of specialised equipment. In 2012, for her work with Blair's Wish, Julia was nominated at the Central Coast New South Wales Volunteer of the Year awards.

Today, Blair's Wish supports many local families. Their team of dedicated volunteers help to fundraise and to distribute the equipment. Julia's hope is to expand Blair's Wish to other regions to enable other families with disabled children to benefit from this outstanding initiative. I had the pleasure of meeting Julia and her husband, who have turned an extremely difficult position into a positive. They are both wonderful parents, both driven by the love of their beautiful little boy Blair. I look forward to meeting Blair in the near future. Julia was selected from an outstanding group of candidates for this year's award, including Stephanie Van Leeuwen, Cathy Zernos, Catherine Bowley, Heather Crawford and Michelle Fenton.

The Young Achiever Award recognises young women who have overcome adversity. This is an area where Lifeline is particularly focused on making a difference. The winner of the Young Achiever Award was Mikalah Harnet. Mikalah's mother suffers from a degenerative condition that can leave her incapacitated. Mikalah is the eldest of three siblings and has taken on the role of carer in the home. Despite the fact that she does not lead the life of a normal teenager, Mikalah is committed to her studies and is working towards obtaining her high school certificate. Within her Narara Valley High School community, Mikalah has created a young carers support group. This group provides a much-needed support network for other students in similar situations. This is an example of how young people on the Central Coast are working together to address such challenges. I would also like to acknowledge the other nominees for this award: Sharney Charters, Ella Whelan and Sharni Stuart, who all share inspirational stories on how they have overcome adversity.

I would particularly like to thank Kay Chapman, the CEO of Lifeline Central Coast/Hunter, and her team for their commitment to helping those in need. Through Lifeline's telephone crisis line, online crisis support, mental health resource centre, and free service finder, they are providing hope to those who are suffering from mental distress. It is a great pleasure to stand in parliament and share the stories of this organisation.

**Bendigo Electorate: Financial Assistance Grants**

**Ms CHESTERS** (Bendigo) (11:33): I was going to speak today about the NBN and the lack of NBN service in Bendigo—the fact that Bendigo has been knocked off the map. But I want to take a moment to pick up on the contribution a few moments ago of the member for Indi, who spoke of the importance of financial assistance grants to our local governments, and how disappointing it is that this government has frozen the indexation of those grants. I would like to take this opportunity to put on the record again what the freezing of indexation means to the local governments in my own community.

It was disappointing that during the member's contribution she was being so rudely interrupted by those opposite—the way in which they were interjecting and speaking over the top of the member for Indi—because it dismisses how important this issue is to regional communities. I agree with the member for Indi that our local governments are struggling right now. They are struggling in regional Victoria for a number of reasons. First of all, they have the problem of large distances and smaller rate bases. That is not something that our city
councils have to tackle. The fact is that city councils like those in Sydney and Melbourne are smaller geographical areas. The fact is they have more people living there. So they have a greater rate base yet a smaller geographical footprint in which to spend the rates that they gather.

That is one of the big issues that we face in the bush. This is compounded by the fact that more and more people are, unfortunately, leaving regional areas to move into the cities—though not in all areas. In Bendigo we are growing, but that is not true of all of my electorate of Bendigo. There is a drain going on. There are fewer and fewer people in the regions who have the capacity to pay rates. That is also putting pressure on our local government.

At the same time that we have this going on, the needs of these communities are increasing. We have ageing infrastructure in our regional areas. Our roads are in disrepair and we need assistance with that funding. The role of local government in regional communities is very important. It is very important for a number of reasons. I have mentioned infrastructure. I also need to mention that our local governments, particularly in regional Victoria, quite often are the providers of community services.

Right now, the City of Greater Bendigo is going through a debate about whether it will continue to deliver HACC services. In Melbourne, there are a number of not-for-profit and for-profit providers that are able to provide those HACC services. But in regional Victoria, where you cannot turn a buck and where you cannot make money out of community services, quite often our local governments step up. They step up and deliver those services so that people in our community do not go without.

Part of the debate that they are having in local government about whether they can continue to deliver HACC services is about wages. These are good jobs in our community and we want our councils to continue to have these good jobs. But what they need is help to pay the wages. That is why these financial assistance grants are so important. They help local government meet the wages bill of these good jobs.

It is not just HACC services. In a lot of our regional communities our local government is the major employer. The City of Greater Bendigo is one of the biggest employers that we have in my electorate. In the Macedon Ranges local government area, the Macedon Ranges Shire Council is one of the biggest employers. The Mount Alexander Shire Council, again, is another big employer in my electorate. We cannot underestimate the importance of the jobs that our local governments provide. That is why it is so important that this government actually gets behind local government.

I disagree with one of the arguments that is being put forward by our local government areas about rate capping. I support the state Labor government in rate capping and saying that local governments cannot increase their rates by more than CPI without making a justification or case for it. That is because our rates have gone up 18 per cent in some of my local government areas. Now that that is not happening, we need this government to get behind and support our local government areas more than ever. I join the member for Indi in calling on the government to reverse the decision to freeze the financial assistance grants.

Mainwaring, Mr Robert Geoffrey (Bob) OAM, JP

Mr HUTCHINSON (Lyons) (11:38): I rise to offer my thoughts on the wonderful life of Bob Mainwaring OAM, JP who passed away on 11 March—only last week. I had the
privilege yesterday of attending his funeral. It was a wonderful funeral service conducted by Reverend Alan Bulmer from Cressy. The obituaries were given by his son Kent Mainwaring and Senator Eric Abetz, who had been a long-time friend of Bob. They were all wonderful contributions, including that of Norm Warburton from the retired services branch of the Air Force. Bob served in the Air Force in the Second World War from 1944 to 1946.

Bob was a member of parliament for the state electorate of Lyons. He was 89 years old when he passed away. Robert 'Bob' Geoffrey Mainwaring OAM, JP was elected to the Tasmanian house of assembly in 1986, where he first served until 1989. He was defeated by the colourful, self-proclaimed Duke of Avram, the head of a tiny micro-nation on Tasmania's west coast. But Bob fought back to defeat the duke in 1992 and returned to parliament, where he stayed until 1998 when the reduction in the size of the state house of assembly meant that he lost his seat again under the Hare-Clark system. In 1992 he served as government whip.

He was born on 9 February 1926. His first job, at the age of 15, was as a post office messenger on the north-west coast. After that, he took up a soldier settlement block on Flinders Island. He was one of the very early pioneers on Flinders Island and served that community for over 25 years as a council warden. He was on many committees. He had stories of a life that encompassed the time they used horses to a time when they used tractors. It really was the end of a generation.

Bob was known for his hard work, his commitment to his electorate, and his loyalty to his family, friends, colleagues and the people that he was elected to represent. But, most of all, he was a champion for the communities and particularly regional communities around Tasmania. He was awarded life membership of the Liberal Party and remained active in his branch until his death. Very few life memberships have ever been given in the Tasmanian division of the Liberal Party and it was recognition of the sort of person that Bob Mainwaring was.

Bob could trace his ancestry back to his farmer forebears who arrived in Van Diemen's Land in 1835 as pioneers in the fledgling colony. Their numerous descendants include farmers and professionals of all kinds, as well as a wide range of tradespeople. Bob wrote and published a book about his family, called Exiled to the colonies, 1835, and a second book also on the pioneer families that settled Flinders Island. He was educated in the public school system and valued education all of his life. Much of his most cherished achievements were those of his children and grandchildren in terms of their academic endeavours.

He and his wife, Carla, moved to Launceston after Bob retired. Although, I think he never really retired. He was chairman of the Association of Independent Retirees until well into his 80s. He is survived, as I mentioned, by his wife, Carla; three children, Diane, Kent and Nick, who I know quite well; and many grandchildren and great-grandchildren.

I valued his friendship. I valued his counsel. I was proud to regard Bob Mainwaring as a friend. He was a loving husband. He was a servant to many clubs and committees and to the people of Tasmania. He will be sorely missed. Thank you.

**Fraser Electorate: Employment**

**Dr LEIGH** (Fraser) (11:43): Prime Minister Abbott told a press conference this week that the upcoming budget would be 'much less exciting' than last year's. This suggests to me that the Prime Minister found it exciting to end the jobs of 11,000 public servants. Many of them
reside in my electorate. This cut to the Public Service is the deepest yearly cut since John Howard's first term as Prime Minister.

Many Commonwealth agencies are currently reluctant or unable to take on full-time permanent staff, due to restraints on recruitment. But they are spending more on hiring contractors. I have spoken in this place before about a couple who approached me at my mobile office in Gungahlin. They said that the only thing holding them back from starting a family was the fact that due to the hiring freeze she had not been granted an ongoing job, and without the security of maternity leave, they did not feel they could start a family. So much for a family-friendly government.

The government makes up claims that Labor had a secret plan for job cuts. There was no secret plan. When Labor was in office Australian Public Service numbers increased in line with population in every year except our final year in office. That is because the Public Service is mostly made up of people who staff offices such as Centrelink, Medicare and the family assistance offices—work that needs to expand as the Australian population expands. Labor had an efficiency dividend, it is true, but our policy was always to focus on cutting jobs last. By contrast, the Liberals focus on cutting jobs first. Despite the fact that he is saying that the budget will be less exciting, we have the Prime Minister refusing to rule out additional cuts beyond those already announced. There is a long-awaited review into the nation's Department of Defence, and bosses of the department in Canberra have begun telling staff that the 'First Principles Review' is going to require between 1,000 and 1,500 job losses in the next 12 to 18 months.

In the town centre of Belconnen we have significant uncertainty as a result of cuts to the Australian Bureau of Statistics, the Australian Taxation Office and the possible closure of the Department of Immigration and Border Protection in that town centre. Moving 4,000 staff out of Belconnen would cause many small businesses to shutter their doors. They simply could not stay open if you took that demand out of the Belconnen Town Centre. The department gave itself 15 weeks from the close of tenders last year to make a decision, and that self-imposed deadline has now passed.

I am going to be holding a forum in Belconnen tonight, along with local MLAs Chris Burke, Yvette Berry and Mary Porter, and we will be speaking to many concerned residents in Belconnen. The forum is being convened by the Belconnen Community Service. They are giving a platform to the great concerns about what will happen to Belconnen if Immigration is to shutter its doors in that town. More than 2,500 people have already signed a petition to keep the Department of Immigration and Border Protection in Belconnen.

Local businesses need the department to stay, but they are already feeling the pinch as a result of the uncertainty about the government's plans. As in so many other areas, the government's lack of vision and their ad hoc decision-making processes are hurting business. So I will be joining local business representatives, community spokespeople and other political representatives for the area to give voice to those deeply felt public concerns about the possible move. My petition encouraged respondents to include a personal message to the minister. One of the most resonant stated very simply: 'People make up our community; don't take the people away.'
Broadband

Mrs GRIGGS (Solomon) (11:48): I was delighted earlier this week to receive an update on the rollout of the National Broadband Network from both the Minister for Communications and the Department of Communications. Prior to the 2013 federal election, many of my constituents were pretty confused about Labor's plans for the NBN, and I am sure that occurred in your electorate as well, Madam Deputy Speaker. In Darwin and Palmerston we heard all sorts of talk from the then Labor government. Labor campaigned about the $5,000 connection fees that were going to occur if the coalition won. They were saying that Australia was going to be cast back to the Stone Age of obsolete technology.

People were receiving letters promising them imminent connections. We were told that works were underway in the neighbourhoods, when in fact all that had happened were some designs. There was not a cable being laid or a sod being turned; just some sketches in some faraway office. Madam Deputy Speaker, I am sure you would agree that that is typical Labor style—lots of media and no substance. It was a pretty slow process to download anything if you were not plugged in. This was the reality of Labor's NBN: lots of promises, lots of hype and no delivery.

This brings me back to the figures I received this week from the Department of Communications. I am delighted to report to the chamber that under the stewardship of the Minister for Communications the NBN has gone from an abstract vision of the future to reality in my electorate. There are now 5,190 premises already connected. There are 5,190 families and businesses already on the grid. Homes are benefiting from the best the world has to offer in education, e-commerce and entertainment. There are another 20,568 premises ready for service. Those people can tap into the NBN at any time they choose.

This is a government that gets things done. Let us compare the two. Under Labor's NBN in Solomon there were threats of $5,000 connection fees if the coalition won, a handful of connections, lots of empty promises and a truckload of fearmongering. Under the coalition government we have delivered tens of thousands of premises ready for service. More than 5,000 are already connected. The NBN is a great example of the difference between the coalition and the Labor Party.

The coalition gets things done. Ask anyone of the thousands of NBN-ready homes and businesses across Alawa, Anula, Casuarina, Darwin CBD, Fannie Bay, Karama, Larrakeyah, Leanyer, Lyons, Malak, Marrara, Moil, Parap, Stuart Park, the Gardens, Tiwi, Wagaman, Wanguri and Wulagi. Just ask them which approach they would prefer. Would they prefer Labor's empty promises and threats, or would they prefer the coalition actually delivering on what it said?

Ask the students, families and business owners across the areas that are being plugged in right now, those in Alawa, Bayview, Brinkin, Casuarina, Driver, Durack, East Arm, East Point, Fannie Bay, Farrar, Gray, Gunn, Jingili, Ludmilla, Marlow Lagoon, Millner, Mitchell, Moulden, Nakara, Nightcliff, Palmerston City, Parap, Rapid Creek, Rosebery, the Narrows, Woodroffe, Woolner and Yarrawonga. Ask them if they would prefer Labor's NBN—a sketch on the design table and a $94 billion broken connection promise—or the coalition's NBN with an actual connection. It is a well managed program delivered sooner and more efficiently.
In the 18 months since the coalition has been in government, the reach of the NBN network has more than doubled. Other technology mixes now being used via our fixed wireless means we can get the networks sooner to areas with lower population densities. The hybrid fibre coaxial has also been announced. I will leave the technicalities to the minister, but I do understand the connections on this technology will be several hundred times faster than the ADSL connections that most Australians use.

When the coalition came to office, Labor had connected just under 50,000 premises to the NBN. There are now 296,000 already tapped in and nearly 700,000 premises passed. The facts speak for themselves.

Domestic Violence

Mr PERRETT (Moreton) (11:53): In my discussions with stakeholders as shadow parliamentary secretary to the shadow Attorney-General, the Hon. Mark Dreyfus QC, I have sadly found that family law and domestic violence, unfortunately, go hand in hand. Amidst the evolving debate in Australia about domestic violence we must include ways to improve the family-law system so that it does not inadvertently escalate domestic violence.

The facts are alarming. One woman a week loses her life because of domestic violence; this year, so far—tragically—it has been two women a week. One in three women will experience violence, with one in six experiencing domestic violence. One in four children will witness or experience domestic violence. Every three hours a woman is hospitalised due to domestic violence.

These figures are obviously a national disgrace. Politicians, our community and our legal system all have more work to do to improve on these figures. Obviously there needs to be an attitudinal change and we need to work on gender equality. But also we need to make sure that the very system we have in place to deal with families and separation is not contributing to these figures about violence.

The Productivity Commission inquiry report, *Access to justice arrangements*, released in December last year, makes some recommendations about family law reform. The approach currently taken by courts in property applications is commonly referred to as the four-step process: (1) identify the assets, liabilities and financial resources of the parties, (2) assess the contributions made by the parties, (3) evaluate each party's future needs so far as they are relevant and (4) the court must be satisfied that in all the circumstances of the case it is just and equitable to make the orders.

Recommendation 24.4 of the Productivity Commission's *Access to justice arrangements* report is that the government should review the property provisions in the Family Law Act 1975 with a view to clarifying how property should be distributed on separation. In particular, it suggested that any review should consider introducing presumptions about the splitting of property, as currently applies in New Zealand. In fact, the New Zealand system provides for a rebuttable presumption of equality of division of assets upon separation—so a fifty-fifty arrangement. The New Zealand legislation also describes with great particularity what 'marital property' includes.

It is an interesting idea that deserves some serious consideration. Of course, not all family law property disputes will end with a fifty-fifty split of property. It is a rebuttable presumption and would probably be useful when the property is a small pool. Obviously, there will always
be cases that need a full trial of the issues and a judge to make a determination as to whether it should be fifty-fifty or otherwise.

Speaking with family lawyers and community legal services all up and down the east coast of Australia and in South Australia about this recommendation, so far I have received a mainly positive response, from people who work both in community legal services and at the bar. Community legal services are particularly favourable to the idea, with one very experienced practitioner giving me an example of where she thought this might be an advantage. She said:

A woman leaving a relationship where there is violence and intimidation and where the marital home is in the husband's name would have difficulty getting the former partner to engage in a property division. Although she certainly would be legally entitled to her share of the property the law is complicated and an aggressive, overbearing partner may just say the house is mine. If there was a presumption of equality she could at least get him to the table.

It is these situations where simplicity and certainty in the law would make all the difference. This is very much food for thought. It is an ongoing conversation and I look forward to receiving more input from practitioners and other stakeholders. I commend the Productivity Commission for their lateral thinking.

The Productivity Commission also recommended at 24.3 of the report that, although some improvements have been made in the collaboration between agencies, reform of current constitutional arrangements relating to the silos of family law, family violence and child protection would lead to better outcomes. It said that the council should be informed by any evaluation of the Western Australian joint partial concurrency model.

The difficulties exist because we have a mix of agencies providing for families which fall under both Commonwealth and state jurisdiction. Western Australia has a much better collaboration between agencies, but their family law system is all state based, with the state courts being vested with jurisdiction in family law. It is more difficult in other states and territories. It is not impossible, though. There is already some cross-agency and cross-jurisdictional cooperation. (Time expired)

**Queensland: Cyclone Marcia**

**Beef Australia 2015**

Ms LANDRY (Capricornia) (11:58): The recovery continues in my electorate of Capricornia following the devastating impact of Cyclone Marcia on 20 February. It impacted on primary producers, small business and the general community in a big way and it will take a long time yet to recover. I updated the House earlier in the week on what is happening on the ground during this trying time.

However, despite this period of setback, there are some positive things ahead for our community to look forward to and to focus on in the coming months. One of them is Beef Australia 2015. Beef Australia is our nation's premier cattle industry expo, showcasing the Australian industry to the world. The event is held every three years in Rockhampton, considered as Australia's beef capital. This year Beef Australia will run from 4 to 9 May.

As our region recovers from the economic impact of Cyclone Marcia, Beef Australia will be a fiscal shot in the arm for the central Queensland economy. The event attracts more than 85,000 visitors from at least 25 countries. These people will inject millions of dollars into the
hotel, accommodation and hospitality sector, transport, tourism and many other businesses that make up our economy. Beef Australia also provides economic spin-offs for Australian beef producers, processors and consumers.

That is why our coalition government is proud to have delivered on a key election commitment to provide $2.5 million in funding to Beef Australia 2015. Our direct support of Beef Australia 2015 shows that our government is committed to building strong rural and regional communities. It is, after all, industries from rural and regional Australia that produce the bulk of export commodities that contribute to Australia's GDP.

Let me focus on our beef sector as an example. As a nation, we farm about 31 million head of cattle. When it comes to beef production, we punch above our weight. According to data from Meat and Livestock Australia, Australia is one of the world's most efficient producers of cattle. In terms of consumer expenditure and export value, the off-farm value of our beef and cattle industry is $12.75 billion. MLA tells us that Australia has four per cent of the world cattle inventory, behind massively populated countries such as India, Brazil and China, and we are the third largest beef exporter in the world.

In the future, we hope that the position of our beef sector on the world stage will strengthen further with recent free trade deals. In the past year our government, the Liberal-National coalition government, has worked hard to provide our beef sector with new advantages by negotiating free trade deals with South Korea, Japan and China. Negotiations such as those with Japan started back in 2007 under the Howard government and now mean a big boost for beef exports over the coming years. Beef is our biggest agriculture export to Japan, worth about $1.4 billion last year. Over time, our new free trade pact will ultimately halve the hefty 38.5 per cent tariff on Aussie beef entering Japan. Federal modelling shows that the cut in tariffs would deliver gains to the industry of between about $300 million and $400 million a year. Significantly for the Capricornia beef sector, it gives us a better advantage over the United States, one of central Queensland's fiercest beef competitors.

The CEO of Beef Australia, Denis Cox, reports that Beef Australia 2015 in Rockhampton will feature trade show expos promoting more than 500 businesses, host five-star beef restaurants, showcase 4,500 cattle from over 30 breeds, and stage a beef industry symposium featuring five key international speakers, including Washington-based Gary Johnson, the senior director of strategic sourcing and sustainability with the McDonald's fast food corporation.

In terms of trade, one unique aspect of Beef Australia is a free business-matching program called Handshakes, provided with help from the Australian Trade Commission. Handshakes introduces international agribusiness to Australian livestock specialists to help Australia to explore future business prospects. So I urge everyone to come up to central Queensland, to experience the taste of our wonderful beef up there in May and to experience Beef 2015.

Lalor Electorate: Telecommunications

Ms RYAN (Lalor—Opposition Whip) (12:03): I rise today to talk about the multiplicity of difficulties that we are having in my electorate in telecommunications. I say it is a multiplicity of difficulties because it is very difficult to get a clear picture of what is going on. However, I have got a clear picture of people being very unhappy with the services and having their lives—‘inconvenienced' is a word that comes to mind, but I do not think it quite qualifies, and
the picture I paint soon will give people a better understanding of the impacts that a lack of planning and provision is having on the electorate. Some people talk about no access. Some people talk about no choice of access. Some people want to talk to me about costs incurred for incredibly expensive wireless when there is no alternative. Some people want to talk to me about the fact that they cannot get a telephone line connected to their home.

The electorate of Lalor has—as I say every time I get to my feet in this place—200,000 residents, and it is growing by five to six thousand people a year. They are moving into new estates, into newly built homes. People talk about the affordability of housing: the electorate that I represent is where we provide the affordable housing in Victoria; it is where people can come to live on modest incomes. And those people come wanting to build a community and to find local connections, but local jobs are scarce and there are huge commutes. This means that this community becomes more reliant on telecommunications for their communication with one another. The building industry is a huge employer in Lalor. We build an enormous number of homes, so the house-building sector also attracts a lot of tradies to the area; a lot of young families with tradespeople working, as close by as they can, in that housing sector. I had a conversation with a young tradesman with a couple of children just last week. He came into the office to complain that, because of the access issues to the internet, he is missing out on business. He has a website that he needs to maintain, and he cannot maintain it because he cannot get reliable internet access. He cannot participate in any of the 'find a tradie' systems that we all use; that I know I use—if I have a plumbing issue, I go straight online to 'find that plumber', and I ring the closest one. But he cannot keep his business connected in that way.

This is not innovative; this is how we now expect to live. This is regarded as normal. So for me, provision of the NBN, or provision of internet access, to my community—and telecommunications in general—is an equity issue. I look at the maps of the ADSL coverage, and I look at the maps of the NBN rollout, and I find large areas within the electorate with no coverage. These are new suburbs—with no coverage. I know the legislation now says that the developer will provide the coverage, but we have a missed timing—where we have no coverage and we have people moving in. There are also issues with streets where one side has internet access and the other does not. We are creating haves and have-nots within our community, when it comes to telecommunications. And there are impacts on families. Of course, as a former teacher I know the demands on families for internet access. I know that schools are now wired for children to be able to upload their homework, and to download their homework, particularly in secondary schools, and that this causes enormous stress in families. We have a high number of migrant families, keen to talk to relatives overseas utilising Skype and other low-cost services. The worst of this is that there were no new areas in Lalor included in the proposed rollout maps last year—no new areas, in the fastest-growing area and a very poorly serviced area in Melbourne. We have costs issues on top of that. We have a $600 additional charge to connect the NBN from 1 July. This will go up to $900—in an area where people are moving into new homes every day. That is an extra cost of almost $1,000 for families looking for affordable housing.

Next week, I am launching a survey asking locals to tell me those stories so that I can bring them into this parliament. And I will be asking Minister Turnbull and the Abbott government to ensure that in the next round of the NBN rollout, Lalor is included and those gaps are filled.
Mr VARVARIS (Barton) (12:08): I rise to inform the House that this Saturday, 21 March is Harmony Day. Harmony Day is a very special celebration of our multicultural Australia, a nation we share with people from many different backgrounds. The motto 'everyone belongs' is very apt for this occasion. Harmony Day is a day of cultural respect for everyone who calls Australia home—from our Indigenous population, the traditional owners of our land; to our English settlers, who set up new homes; to each and every subsequent wave of migration: those who have come to Australia for a better life. Harmony Day on 21 March celebrates Australia's cultural diversity, and our policies of inclusiveness, respect, and a sense of belonging for everyone. Harmony Day also coincides with the United Nations International Day for the Elimination of Racial Discrimination. Since 1999, Harmony Day has been celebrated across our schools, community groups, churches, businesses and governments.

This day is particularly important to the constituents of Barton. Barton is one of the most culturally diverse electorates in Sydney and in Australia. My constituents come from over 160 different nations and speak over 43 different languages, and this is an amazing statistic. In fact, 45 per cent of all Australians were either born overseas or have a parent who was. They have all come to this land to build a brighter future for their families. What unites us are our shared values of mutual respect, diversity and tolerance.

Prior to becoming the federal representative for Barton, I was a councillor for and Mayor of Kogarah City Council, where we regularly hosted events for Harmony Day, in collaboration with local schools. This is something that I am very proud of, as it espouses the kinds of values we want in our young people and our fellow citizens within our multicultural society. Although we all demonstrate cultural awareness and respect in our daily lives, having an official day allows us to reflect the achievements that this important recognition brings. As such, I am very proud that, in my electorate of Barton, there will be a range of activities and celebrations taking place in the lead-up to and on the day of this wonderful event.

Kogarah Neighbourhood Centre in Kogarah will celebrate local artworks by children in their before- and after-school programs, as well as the morning tea held on 18 March. Rockdale children's centre, a long day care facility, will have activities and celebrations on 20 March, and, over in Bexley, the St George Migrant Resource Centre will have an array of cultural corners in the Bexley Scout Hall on 21 March. The centre is hosting a specific Arabic cultural day with various performances, children's activities and delicious food on offer. Kogarah City Council recently ran a creative writing competition in honour of Harmony Day titled Everyone Belongs, and the winners of this will be announced at a special event on 20 March in Kogarah Town Square. A few suburbs over in Sans Souci, St Finbar's Catholic Primary School will host a school fair celebrating multiculturalism in our school community and around the country. At the other end of the electorate, the Australian Lebanese Hawkers Rugby Union Football Club will organise and host a sevens championship tournament, in conjunction with the New South Wales Rugby Union. Eight to 10 teams are being invited from various rugby-playing multicultural communities in Australia to play on the day at Wills Ground in Earlwood. These fantastic events are open to the public, and I urge my constituents to attend at least one of these, which showcase the wonderful electorate of Barton.

Since 1999, communities all over our country have decided how they would like to come together to mark the occasion. Some have morning teas, others organise a fair, and some
celebrate by dressing in national costumes. Since 1999, more than 55,000 Harmony Day events have taken place, with nearly 6,500 events registered in 2011. Orange is the colour symbol chosen to represent Harmony Day. Fellow Australians are encouraged to wear orange clothing or the distinctive orange ribbon to show their support for cultural diversity and an inclusive Australia. I look forward to these wonderful events, and I wish the organisers every success in their celebrations.

Question agreed to.

Federation Chamber adjourned at 12:13.