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**SITTING DAYS—2015**

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>February</td>
<td>9, 10, 11, 12, 23, 24, 25, 26</td>
</tr>
<tr>
<td>March</td>
<td>2, 3, 4, 5, 16, 17, 18, 19, 23, 24, 25, 26</td>
</tr>
<tr>
<td>May</td>
<td>12, 13, 14, 25, 26, 27, 28</td>
</tr>
<tr>
<td>June</td>
<td>1, 2, 3, 4, 15, 16, 17, 18, 22, 23, 24, 25</td>
</tr>
<tr>
<td>August</td>
<td>10, 11, 12, 13, 17, 18, 19, 20</td>
</tr>
<tr>
<td>September</td>
<td>7, 8, 9, 10, 14, 15, 16, 17</td>
</tr>
<tr>
<td>October</td>
<td>12, 13, 14, 15, 19, 20, 21, 22</td>
</tr>
<tr>
<td>November</td>
<td>9, 10, 11, 12, 23, 24, 25, 26, 30</td>
</tr>
<tr>
<td>December</td>
<td>1, 2, 3</td>
</tr>
</tbody>
</table>

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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

Printed by authority of the House of Representatives
# Members of the House of Representatives

<table>
<thead>
<tr>
<th>Members</th>
<th>Division</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abbott, The Hon. Anthony John</td>
<td>Warringah, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Albanese, The Hon. Anthony Norman</td>
<td>Grayndler, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Alexander, Mr John Gilbert OAM</td>
<td>Bennelong, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Andrews, Mrs Karen Lesley</td>
<td>McPherson, QLD</td>
<td>LP</td>
</tr>
<tr>
<td>Andrews, The Hon. Kevin James</td>
<td>Menzies, VIC</td>
<td>LP</td>
</tr>
<tr>
<td>Baldwin, The Hon. Robert Charles</td>
<td>Paterson, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Bandt, Mr Adam Paul</td>
<td>Melbourne, VIC</td>
<td>AG</td>
</tr>
<tr>
<td>Billson, The Hon. Bruce Fredrick</td>
<td>Dunkley, VIC</td>
<td>LP</td>
</tr>
<tr>
<td>Bird, The Hon. Sharon Leah</td>
<td>Cunningham, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Bishop, The Hon. Bronwyn Kathleen</td>
<td>Mackellar, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Bishop, The Hon. Julie Isabel</td>
<td>Curtin, WA</td>
<td>LP</td>
</tr>
<tr>
<td>Bowen, The Hon. Chris Eyles</td>
<td>McMahon, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Briggs, The Hon. Jamie Edward</td>
<td>Mayo, SA</td>
<td>LP</td>
</tr>
<tr>
<td>Broad, Mr Andrew John</td>
<td>Mallee, VIC</td>
<td>NATS</td>
</tr>
<tr>
<td>Broadbent, Mr Russell Evan</td>
<td>McMillan, VIC</td>
<td>LP</td>
</tr>
<tr>
<td>Brodman, Ms Gai Marie</td>
<td>Canberra, ACT</td>
<td>ALP</td>
</tr>
<tr>
<td>Brough, The Hon. Malcolm Thomas</td>
<td>Fisher, QLD</td>
<td>LP</td>
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<tr>
<td>Buchholz, Mr Scott</td>
<td>Wright, QLD</td>
<td>LP</td>
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<td>Burke, Ms Anna Elizabeth</td>
<td>Chisholm, VIC</td>
<td>ALP</td>
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<td>Burke, The Hon. Anthony Stephen</td>
<td>Watson, NSW</td>
<td>ALP</td>
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<td>Butler, The Hon. Mark Christopher</td>
<td>Port Adelaide, SA</td>
<td>ALP</td>
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<td>Butler, Ms Terri Megan</td>
<td>Griffith, QLD</td>
<td>ALP</td>
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<td>Byrne, The Hon. Anthony Michael</td>
<td>Holt, VIC</td>
<td>ALP</td>
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<td>Chalmers, Dr James Edward</td>
<td>Rankin, QLD</td>
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<tr>
<td>Champion, Mr Nicholas David</td>
<td>Wakefield, SA</td>
<td>ALP</td>
</tr>
<tr>
<td>Chester, The Hon. Darren</td>
<td>Gippsland, VIC</td>
<td>NATS</td>
</tr>
<tr>
<td>Chesters, Ms Lisa Marie</td>
<td>Bendigo, VIC</td>
<td>ALP</td>
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<tr>
<td>Christensen, Mr George Robert</td>
<td>Dawson, QLD</td>
<td>NATS</td>
</tr>
<tr>
<td>Ciobo, The Hon. Steven Michele</td>
<td>Moncrieff, QLD</td>
<td>LP</td>
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<tr>
<td>Clare, The Hon. Jason Dean</td>
<td>Blaxland, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Clayton, Ms Sharon Catherine</td>
<td>Newcastle, NSW</td>
<td>ALP</td>
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<tr>
<td>Cobb, The Hon. John Kenneth</td>
<td>Calare, NSW</td>
<td>NATS</td>
</tr>
<tr>
<td>Coleman, Mr David Bernard</td>
<td>Banks, NSW</td>
<td>LP</td>
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<tr>
<td>Collins, The Hon. Julie Maree</td>
<td>Franklin, TAS</td>
<td>ALP</td>
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<tr>
<td>Conroy, Mr Patrick Martin</td>
<td>Charlton, NSW</td>
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<td>Coulton, Mr Mark Maclean</td>
<td>Parkes, NSW</td>
<td>NATS</td>
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<td>Danby, The Hon. Michael</td>
<td>Melbourne Ports, VIC</td>
<td>ALP</td>
</tr>
<tr>
<td>Dreyfus, The Hon. Mark Alfred QC</td>
<td>Isaacs, VIC</td>
<td>ALP</td>
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<tr>
<td>Dutton, The Hon. Peter Craig</td>
<td>Dickson, QLD</td>
<td>LP</td>
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<tr>
<td>Elliott, The Hon. Maria Justine</td>
<td>Richmond, NSW</td>
<td>ALP</td>
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<td>Ellis, The Hon. Katherine Margaret</td>
<td>Adelaide, SA</td>
<td>ALP</td>
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<tr>
<td>Entsch, The Hon. Warren George</td>
<td>Leichhardt, QLD</td>
<td>LP</td>
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<td>Feeney, The Hon. David</td>
<td>Batman, VIC</td>
<td>ALP</td>
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<tr>
<td>Ferguson, Mr Laurie Donald Thomas</td>
<td>Werriwa, NSW</td>
<td>ALP</td>
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<tr>
<td>Fitzgibbon, The Hon. Joel Andrew</td>
<td>Hunter, NSW</td>
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<tr>
<td>Fletcher, The Hon. Paul William</td>
<td>Bradfield, NSW</td>
<td>LP</td>
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<td>Frydenberg, The Hon. Joshua Anthony</td>
<td>Kooyong, VIC</td>
<td>LP</td>
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<tr>
<td>Gambaro, The Hon. Teresa</td>
<td>Brisbane, QLD</td>
<td>LP</td>
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<tr>
<td>Members</td>
<td>Division</td>
<td>Party</td>
</tr>
<tr>
<td>------------------------------</td>
<td>-------------</td>
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<td>Giles, Mr Andrew James</td>
<td>Scullin, VIC</td>
<td>ALP</td>
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<td>Gillespie, Dr David Arthur</td>
<td>Lyne, NSW</td>
<td>NATS</td>
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<td>Goodenough, Mr Ian Reginald</td>
<td>Moore, WA</td>
<td>LP</td>
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<td>Gray, The Hon. Gary AO</td>
<td>Brand, WA</td>
<td>ALP</td>
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<td>Griffin, The Hon. Alan Peter</td>
<td>Bruce, VIC</td>
<td>ALP</td>
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<td>Griggs, Mrs Natasha Louise</td>
<td>Solomon, NT</td>
<td>CLP</td>
</tr>
<tr>
<td>Hall, Ms Jill Griffths</td>
<td>Shortland, NSW</td>
<td>ALP</td>
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<td>Hartsuyker, The Hon. Luke</td>
<td>Cowper, NSW</td>
<td>NATS</td>
</tr>
<tr>
<td>Hawke, Mr Alexander George</td>
<td>Mitchell, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Hayes, Mr Christopher Patrick</td>
<td>Fowler, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Henderson, Ms Sarah Moya</td>
<td>Corangamite, VIC</td>
<td>LP</td>
</tr>
<tr>
<td>Hendy, Dr Peter William</td>
<td>Eden-Monaro, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Hocke, The Hon. Joseph Benedict</td>
<td>North Sydney, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Hogan, Mr Kevin John</td>
<td>Page, NSW</td>
<td>NATS</td>
</tr>
<tr>
<td>Howarth, Mr Luke Ronald</td>
<td>Petrie, QLD</td>
<td>LP</td>
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<tr>
<td>Hunt, The Hon. Gregory Andrew</td>
<td>Flinders, VIC</td>
<td>LP</td>
</tr>
<tr>
<td>Husic, The Hon. Edham Nurreddin</td>
<td>Chifley, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Hutchinson, Mr Eric Russell</td>
<td>Lyons, TAS</td>
<td>LP</td>
</tr>
<tr>
<td>Irons, Mr Stephen James</td>
<td>Swan, WA</td>
<td>LP</td>
</tr>
<tr>
<td>Jensen, Dr Dennis Geoffrey</td>
<td>Tangney, WA</td>
<td>LP</td>
</tr>
<tr>
<td>Jones, Mr Ewen Thomas</td>
<td>Herbert, QLD</td>
<td>LP</td>
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<tr>
<td>Jones, Mr Stephen Patrick</td>
<td>Throsby, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Katter, The Hon. Robert Carl</td>
<td>Kennedy, QLD</td>
<td>AUS</td>
</tr>
<tr>
<td>Keenan, The Hon. Michael</td>
<td>Stirling, WA</td>
<td>LP</td>
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<tr>
<td>Kelly, Mr Craig</td>
<td>Hughes, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>King, The Hon. Catherine Fiona</td>
<td>Ballarat, VIC</td>
<td>ALP</td>
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<tr>
<td>Laming, Mr Andrew</td>
<td>Bowman, QLD</td>
<td>LP</td>
</tr>
<tr>
<td>Landry, Ms Michelle Leanne</td>
<td>Capricornia, QLD</td>
<td>NATS</td>
</tr>
<tr>
<td>Laundy, Mr Craig</td>
<td>Reid, NSW</td>
<td>LP</td>
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<tr>
<td>Leigh, The Hon. Dr Andrew Keith</td>
<td>Fraser, ACT</td>
<td>ALP</td>
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<tr>
<td>Ley, The Hon. Susan Penelope</td>
<td>Farrer, NSW</td>
<td>LP</td>
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<tr>
<td>Macfarlane, The Hon. Ian Elgin</td>
<td>Groom, QLD</td>
<td>LP</td>
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<td>Macklin, The Hon. Jennifer Louise</td>
<td>Jagajaga, VIC</td>
<td>ALP</td>
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<td>MacTierman, The Hon. Alannah Joan Geraldine Cecilia</td>
<td>Perth, WA</td>
<td>ALP</td>
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<tr>
<td>Marino, Ms Nola Bethwyn</td>
<td>Forrest, WA</td>
<td>LP</td>
</tr>
<tr>
<td>Markus, Mrs Louise Elizabeth</td>
<td>Macquarie, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Marles, The Hon. Richard Donald</td>
<td>Corio, VIC</td>
<td>ALP</td>
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<td>Matheson, Mr Russell Glenn</td>
<td>Macarthur, NSW</td>
<td>LP</td>
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<td>McCormack, The Hon. Michael Francis</td>
<td>Riverina, NSW</td>
<td>NATS</td>
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<td>McGowan, Ms Catherine AO</td>
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<td>McNamara, Mrs Karen Jane</td>
<td>Dobell, NSW</td>
<td>LP</td>
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<tr>
<td>Mitchell, Mr Robert George</td>
<td>McEwen, VIC</td>
<td>ALP</td>
</tr>
<tr>
<td>Morrison, The Hon. Scott John</td>
<td>Cook, NSW</td>
<td>LP</td>
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<tr>
<td>Neumann, The Hon. Shayne Kenneth</td>
<td>Blair, QLD</td>
<td>ALP</td>
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<tr>
<td>Nikolic, Mr Andrew Alexander AM, CSC</td>
<td>Bass, TAS</td>
<td>LP</td>
</tr>
<tr>
<td>O'Connor, The Hon. Brendan Patrick John</td>
<td>Gorton, VIC</td>
<td>ALP</td>
</tr>
<tr>
<td>O'Dowd, Mr Kenneth Desmond</td>
<td>Flynn, QLD</td>
<td>NATS</td>
</tr>
<tr>
<td>Members</td>
<td>Division</td>
<td>Party</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>-------------------</td>
<td>--------</td>
</tr>
<tr>
<td>O'Dwyer, The Hon. Ms Kelly Megan</td>
<td>Higgins, VIC</td>
<td>LP</td>
</tr>
<tr>
<td>O'Neil, Ms Clare Ellen</td>
<td>Hotham, VIC</td>
<td>ALP</td>
</tr>
<tr>
<td>Owens, Ms Julie</td>
<td>Parramatta, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Palmer, Mr Clive Federick</td>
<td>Fairfax QLD</td>
<td>PUP</td>
</tr>
<tr>
<td>Parke, The Hon. Melissa</td>
<td>Fremantle, WA</td>
<td>ALP</td>
</tr>
<tr>
<td>Pasin, Mr Antony</td>
<td>Barker, SA</td>
<td>LP</td>
</tr>
<tr>
<td>Perrett, Mr Graham Douglas</td>
<td>Moreton, QLD</td>
<td>ALP</td>
</tr>
<tr>
<td>Pitt, Mr Keith John</td>
<td>Hinkler, QLD</td>
<td>NATS</td>
</tr>
<tr>
<td>Plibersek, The Hon. Tanya Joan</td>
<td>Sydney, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Porter, The Hon. Charles Christian</td>
<td>Pearce, WA</td>
<td>LP</td>
</tr>
<tr>
<td>Prentice, Mrs Jane</td>
<td>Ryan, QLD</td>
<td>LP</td>
</tr>
<tr>
<td>Price, Ms Melissa Lee</td>
<td>Durack, WA</td>
<td>LP</td>
</tr>
<tr>
<td>Pyne, The Hon. Christopher Maurice</td>
<td>Sturt, SA</td>
<td>LP</td>
</tr>
<tr>
<td>Ramsey, Mr Rowan Eric</td>
<td>Grey, SA</td>
<td>LP</td>
</tr>
<tr>
<td>Randall, Mr Don James</td>
<td>Canning, WA</td>
<td>LP</td>
</tr>
<tr>
<td>Ripoll, The Hon. Bernard Fernado</td>
<td>Oxley, QLD</td>
<td>ALP</td>
</tr>
<tr>
<td>Rishworth, The Hon. Amanda Louise</td>
<td>Kingston, SA</td>
<td>ALP</td>
</tr>
<tr>
<td>Robb, The Hon. Andrew John AO</td>
<td>Goldstein, VIC</td>
<td>LP</td>
</tr>
<tr>
<td>Robert, The Hon. Stuart Rowland</td>
<td>Fadden, QLD</td>
<td>LP</td>
</tr>
<tr>
<td>Rowland, Ms Michelle Anne</td>
<td>Greenway, NSW</td>
<td>ALP</td>
</tr>
<tr>
<td>Roy, Mr Wyatt</td>
<td>Longman, QLD</td>
<td>LP</td>
</tr>
<tr>
<td>Ruddock, The Hon. Philip Maxwell</td>
<td>Berowra, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Ryan, Ms Joanne Catherine</td>
<td>Lalor, VIC</td>
<td>ALP</td>
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<tr>
<td>Scott, The Hon. Bruce Craig</td>
<td>Maranoa, QLD</td>
<td>NATS</td>
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<td>Scott, Ms Fiona Meryl</td>
<td>Lindsay, NSW</td>
<td>LP</td>
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<td>Shorten, The Hon. William Richard</td>
<td>Maribyrnong, VIC</td>
<td>ALP</td>
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<tr>
<td>Simpkins, Mr Luke Xavier Linton</td>
<td>Cowan, WA</td>
<td>LP</td>
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<tr>
<td>Smith, The Hon. Anthony David Hawthorn</td>
<td>Casey, VIC</td>
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<td>Snowdon, The Hon. Warren Edward</td>
<td>Lingiari, NT</td>
<td>ALP</td>
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<td>Southcott, Dr Andrew John</td>
<td>Boothby, SA</td>
<td>LP</td>
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<tr>
<td>Stone, The Hon. Dr Sharman Nancy</td>
<td>Murray, VIC</td>
<td>LP</td>
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<tr>
<td>Sudmalis, Ms Ann Elizabeth</td>
<td>Gilmore, NSW</td>
<td>LP</td>
</tr>
<tr>
<td>Sukkar, Mr Michael</td>
<td>Deakin, VIC</td>
<td>LP</td>
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<td>Swan, The Hon. Wayne Maxwell</td>
<td>Lilley, QLD</td>
<td>ALP</td>
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<tr>
<td>Taylor, Mr Angus James</td>
<td>Hume, NSW</td>
<td>LP</td>
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<td>Wannon, VIC</td>
<td>LP</td>
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<td>ALP</td>
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<td>Wills, VIC</td>
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<td>Wide Bay, QLD</td>
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<td>Aston, VIC</td>
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<td>LP</td>
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<td>Vamvakinou, Ms Maria</td>
<td>Calwell, VIC</td>
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<td>LP</td>
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<tr>
<td>Vasta, Mr Ross Xavier</td>
<td>Bonner, QLD</td>
<td>LP</td>
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<tr>
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<td>ALP</td>
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Members of the House of Representatives

<table>
<thead>
<tr>
<th>Members</th>
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<tr>
<td>Wilkie, Mr Andrew Damien</td>
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<td>Zappia, Mr Antonio</td>
<td>Makin, SA</td>
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</tbody>
</table>

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
Clerk of the Senate—R Laing
Clerk of the House of Representatives—D Elder
Secretary, Department of Parliamentary Services—C Mills
Parliamentary Budget Officer—P Bowen
## ABBOTT MINISTRY

<table>
<thead>
<tr>
<th>Title</th>
<th>Minister</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Prime Minister</strong></td>
<td>The Hon. Tony Abbott MP</td>
</tr>
<tr>
<td><strong>Minister for Indigenous Affairs</strong></td>
<td>Senator the Hon. Nigel Scullion</td>
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<td><strong>Minister Assisting the Prime Minister for the</strong></td>
<td>Senator the Hon. Eric Abetz</td>
</tr>
<tr>
<td><strong>Public Service</strong></td>
<td>The Hon. Charles Porter MP</td>
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<tr>
<td><strong>Minister Assisting the Prime Minister for</strong></td>
<td>The Hon. Alan Tudge MP</td>
</tr>
<tr>
<td><strong>Women</strong></td>
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<tr>
<td><strong>Parliamentary Secretary to the Prime Minister</strong></td>
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</tr>
<tr>
<td><strong>Minister for Infrastructure and Regional</strong></td>
<td>The Hon. Warren Truss MP</td>
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<tr>
<td><strong>Development</strong></td>
<td>The Hon. Jamie Briggs MP</td>
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<td><strong>(Deputy Prime Minister)</strong></td>
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<td><strong>Assistant Minister for Infrastructure and</strong></td>
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</tr>
<tr>
<td><strong>Regional Development</strong></td>
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</tr>
<tr>
<td><strong>Minister for Foreign Affairs</strong></td>
<td>The Hon. Julie Bishop MP</td>
</tr>
<tr>
<td><strong>Minister for Trade and Investment</strong></td>
<td>The Hon. Andrew Robb AO MP</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary to the Minister for</strong></td>
<td>The Hon. Steven Ciobo MP</td>
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<td><strong>Foreign Affairs</strong></td>
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<td><strong>Trade and Investment</strong></td>
<td></td>
</tr>
<tr>
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<td>Senator the Hon. Eric Abetz</td>
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<td><strong>(Leader of the Government in the Senate)</strong></td>
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<td><strong>Assistant Minister for Employment</strong></td>
<td>The Hon. Luke Hartsuyker MP</td>
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<tr>
<td><strong>(Deputy Leader of the House)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Attorney-General</strong></td>
<td>Senator the Hon. George Brandis QC</td>
</tr>
<tr>
<td><strong>Minister for the Arts</strong></td>
<td>Senator the Hon. George Brandis QC</td>
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<tr>
<td><strong>(Vice-President of the Executive Council)</strong></td>
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<tr>
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<td></td>
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<tr>
<td><strong>Minister for Justice</strong></td>
<td>The Hon. Michael Keenan MP</td>
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<tr>
<td><strong>Treasurer</strong></td>
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<tr>
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<td>The Hon. Joe Hockey MP</td>
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<tr>
<td><strong>Assistant Treasurer</strong></td>
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<td>The Hon. Joshua Frydenberg MP</td>
</tr>
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<tr>
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<td><strong>Minister for Education and Training</strong></td>
<td>The Hon. Christopher Pyne MP</td>
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<td><strong>(Leader of the House)</strong></td>
<td></td>
</tr>
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<td><strong>Assistant Minister for Education and</strong></td>
<td>Senator the Hon. Simon Birmingham</td>
</tr>
<tr>
<td><strong>Training</strong></td>
<td>Senator the Hon. Scott Ryan</td>
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<td><strong>Parliamentary Secretary to the Minister for</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Education and Training</strong></td>
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<tr>
<td><strong>Minister for Social Services</strong></td>
<td>The Hon. Scott Morrison MP</td>
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<td>Senator the Hon. Mitch Fifield</td>
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<td></td>
</tr>
<tr>
<td><strong>Minister for Human Services</strong></td>
<td>Senator the Hon. Marise Payne</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary to the Minister for</strong></td>
<td>Senator the Hon. Concetta Fierravanti-Wells</td>
</tr>
<tr>
<td><strong>Social Services</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Minister for Industry and Science</strong></td>
<td>The Hon. Ian Macfarlane MP</td>
</tr>
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<td>The Hon. Karen Andrews MP</td>
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</tr>
<tr>
<td><strong>Minister for Defence</strong></td>
<td>The Hon. Kevin Andrews MP</td>
</tr>
<tr>
<td><strong>Minister for Veterans’ Affairs</strong></td>
<td>Senator the Hon. Michael Ronaldson</td>
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<tr>
<td><strong>Minister Assisting the Prime Minister for</strong></td>
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<td><strong>the Centenary of</strong></td>
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<td><strong>ANZAC</strong></td>
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<tr>
<td>Assistant Minister for Defence</td>
<td>The Hon. Stuart Robert MP</td>
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<td>Parliamentary Secretary to the Minister</td>
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<td>The Hon. Darren Chester MP</td>
</tr>
<tr>
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<tr>
<td>Parliamentary Secretary to the Minister</td>
<td>The Hon. Malcolm Turnbull MP</td>
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<td>for Communications</td>
<td>The Hon. Paul Fletcher MP</td>
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<td></td>
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<tr>
<td>Protection</td>
<td>The Hon. Peter Dutton MP</td>
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<td>Assistant Minister for Immigration and</td>
<td>Senator the Hon. Michaelia Cash</td>
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<tr>
<td>Border Protection</td>
<td></td>
</tr>
<tr>
<td><strong>Minister for the Environment</strong></td>
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<td>Parliamentary Secretary to the Minister</td>
<td>The Hon. Greg Hunt MP</td>
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</tr>
<tr>
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</tr>
<tr>
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<td></td>
</tr>
<tr>
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</tr>
<tr>
<td><strong>Minister for Sport</strong></td>
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<td>The Hon. Sussan Ley MP</td>
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<tr>
<td>Assistant Minister for Health</td>
<td>Senator the Hon. Fiona Nash</td>
</tr>
</tbody>
</table>

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.
## SHADOW MINISTRY

<table>
<thead>
<tr>
<th>TITLE</th>
<th>SHADOW MINISTER</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Leader of the Opposition</strong></td>
<td>Hon Bill Shorten MP</td>
</tr>
<tr>
<td>Shadow Minister Assisting the Leader for Science</td>
<td>Senator the Hon Kim Carr</td>
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<td>Shadow Minister Assisting the Leader for Small Business</td>
<td>Hon Bernie Ripoll MP</td>
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<tr>
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<td>Julie Owens MP</td>
</tr>
<tr>
<td>Shadow Cabinet Secretary</td>
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</tr>
<tr>
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<td>Senator the Hon Penny Wong</td>
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<tr>
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<td>Hon Tanya Plibersek MP</td>
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<tr>
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<tr>
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</tr>
<tr>
<td>Shadow Minister for the Centenary of ANZAC</td>
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</tr>
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<tr>
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<tr>
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</tr>
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<td>Shadow Minister for Veterans’ Affairs</td>
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</tr>
<tr>
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</tr>
<tr>
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<td>Hon Alannah MacTiernan MP</td>
</tr>
<tr>
<td><strong>Shadow Minister for Cities</strong></td>
<td>Hon Warren Snowdon MP</td>
</tr>
<tr>
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</tr>
<tr>
<td>Shadow Parliamentary Secretary for Regional Development and Infrastructure</td>
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</tr>
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<td>Hon Dr Andrew Leigh MP</td>
</tr>
<tr>
<td>Shadow Minister for Competition</td>
<td>Hon Bernie Ripoll MP</td>
</tr>
<tr>
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<td>Hon Ed Husic MP</td>
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<td>Manager of Opposition Business (House)</td>
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<td><strong>Shadow Minister for Environment, Climate Change and Water</strong></td>
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<td>Shadow Parliamentary Secretary for the Environment, Climate Change and Water</td>
<td>Senator the Hon Lisa Singh</td>
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<tr>
<td><strong>Shadow Minister for Higher Education, Research, Innovation and Industry</strong></td>
<td>Senator the Hon Kim Carr</td>
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<tr>
<td>Shadow Minister for Vocational Education</td>
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</tr>
<tr>
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</tr>
<tr>
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<td>Tony Zappia MP</td>
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<td>TITLE</td>
<td>SHADOW MINISTER</td>
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<tr>
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<td>Shadow Minister for Communications</td>
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<td>Michelle Rowland MP</td>
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<td>Shadow Attorney General</td>
<td></td>
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<td></td>
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<tr>
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<td></td>
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<tr>
<td>Shadow Minister for Justice</td>
<td>Hon David Feeney MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary to the Shadow Attorney General</td>
<td>Graham Perrett MP</td>
</tr>
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<td>Hon Michael Danby MP</td>
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<tr>
<td>Shadow Minister for Education</td>
<td>Hon Kate Ellis MP</td>
</tr>
<tr>
<td>Shadow Minister for Early Childhood</td>
<td></td>
</tr>
<tr>
<td>Shadow Assistant Minister for Education</td>
<td>Hon Amanda Rishworth MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Education</td>
<td>Julie Owens MP</td>
</tr>
<tr>
<td>Shadow Minister for Agriculture</td>
<td>Hon Joel Fitzgibbon MP</td>
</tr>
<tr>
<td>Shadow Minister for Resources</td>
<td>Hon Gary Gray AO MP</td>
</tr>
<tr>
<td>Shadow Minister for Northern Australia</td>
<td></td>
</tr>
<tr>
<td>Shadow Special Minister of State</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Northern Australia</td>
<td>Hon Warren Snowdon MP</td>
</tr>
<tr>
<td>Shadow Minister for Health</td>
<td>Hon Catherine King MP</td>
</tr>
<tr>
<td>Shadow Assistant Minister for Health</td>
<td>Stephen Jones MP</td>
</tr>
<tr>
<td>Shadow Minister for Mental Health</td>
<td>Senator Hon Jan McLucas</td>
</tr>
<tr>
<td>Shadow Minister for Sport</td>
<td>Hon Bernie Ripoll MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Health</td>
<td>Nick Champion MP</td>
</tr>
<tr>
<td>Shadow Minister for Families and Payments</td>
<td>Hon Jenny Macklin MP</td>
</tr>
<tr>
<td>Shadow Minister for Disability Reform</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Human Services</td>
<td>Senator the Hon Doug Cameron</td>
</tr>
<tr>
<td>Shadow Minister for Housing and Homelessness</td>
<td>Senator the Hon Jan McLucas</td>
</tr>
<tr>
<td>Shadow Minister for Carers</td>
<td>Senator Claire Moore</td>
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<tr>
<td>Shadow Minister for Communities</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Families and Payments</td>
<td>Senator Carol Brown</td>
</tr>
<tr>
<td>Shadow Minister for Immigration and Border Protection</td>
<td>Hon Richard Marles MP</td>
</tr>
<tr>
<td>Shadow Minister for Citizenship and Multiculturalism</td>
<td>Michelle Rowland MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Immigration</td>
<td>Hon Matt Thistlethwaite MP</td>
</tr>
<tr>
<td>Shadow Minister for Indigenous Affairs</td>
<td>Hon Shayne Neumann MP</td>
</tr>
<tr>
<td>Shadow Minister for Ageing</td>
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</tr>
<tr>
<td>Shadow Parliamentary Secretary for Indigenous Affairs</td>
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<tr>
<td>Shadow Parliamentary Secretary for Aged Care</td>
<td>Senator Helen Polley</td>
</tr>
<tr>
<td>Shadow Minister for Employment and Workplace Relations</td>
<td>Hon Brendan O'Connor MP</td>
</tr>
<tr>
<td>Shadow Minister for Employment Services</td>
<td>Hon Julie Collins MP</td>
</tr>
</tbody>
</table>
CONTENTS

WEDNESDAY, 18 MARCH 2015

Chamber
BILLS—
  Appropriation (Parliamentary Departments) Bill (No. 2) 2014-2015—
  Appropriation Bill (No. 3) 2014-2015—
  Appropriation Bill (No. 4) 2014-2015—

  Returned from Senate................................................................. 2697

MINISTERIAL STATEMENTS—
  Autumn Repeal Day 2015 ............................................................. 2697

BILLS—
  Omnibus Repeal Day (Autumn 2015) Bill 2015—
    First Reading.............................................................................. 2703
    Second Reading........................................................................... 2703
    First Reading.............................................................................. 2706
    Second Reading........................................................................... 2706
  Statute Law Revision Bill (No. 2) 2015—
    First Reading.............................................................................. 2707
    Second Reading........................................................................... 2707
  Competition and Consumer Amendment (Deregulatory and Other Measures) Bill 2015—
    First Reading.............................................................................. 2708
    Second Reading........................................................................... 2708

Food Standards Australia New Zealand Amendment Bill 2015—
  First Reading.............................................................................. 2711
  Second Reading........................................................................... 2711

COMMITTEES—
  Intelligence and Security Committee—
    Report.......................................................................................... 2712

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

STATEMENTS BY MEMBERS—
  Canberra Electorate: Soldier On ................................................... 2759
  Budget.............................................................................................. 2759
  Budget.............................................................................................. 2760
  Berowra Electorate: Centenary of Anzac........................................... 2760
  Indigenous Communities................................................................. 2761
  Lindsay Electorate: Kurrambee School............................................. 2761
  Indi Electorate: The Border Mail ..................................................... 2761
  Cowan Electorate: Vikings Women's Softball Club.......................... 2762
  Batman Electorate: Darebin Community and Kite Festival................ 2762
  Casey Electorate: Lilydale West Primary School............................... 2763
  Food and Grocery Code of Conduct................................................. 2763
CONTENTS—continued

Boothby Electorate: Anzac Centenary Local Grants Program ........................................... 2763
Migration .......................................................................................................................... 2764
Food Labelling ................................................................................................................. 2764
Blair Electorate: Road and Rail Infrastructure ................................................................. 2765
Gilmore Electorate: Relay for Life .................................................................................. 2765
Remote Aboriginal Communities ...................................................................................... 2765
East West Link ................................................................................................................. 2766
Close the Gap Day ........................................................................................................... 2766
Hume Electorate: Road Infrastructure ............................................................................... 2767

QUESTIONS WITHOUT NOTICE—

Higher Education ............................................................................................................ 2767
Bank Deposits .................................................................................................................. 2768
Higher Education ............................................................................................................ 2769
Cyclones ............................................................................................................................... 2770
Budget ............................................................................................................................... 2771
Death Penalty .................................................................................................................... 2772
Deregulation ....................................................................................................................... 2773

DISTINGUISHED VISITORS...................................................................................... 2774

QUESTIONS WITHOUT NOTICE—

Carer Supplement .......................................................................................................... 2774
Unclaimed Money ............................................................................................................. 2774
Budget ............................................................................................................................... 2775
New South Wales State Election ..................................................................................... 2776
Workplace Relations ....................................................................................................... 2778
Road Infrastructure ........................................................................................................ 2779
Hospitals ............................................................................................................................. 2780
New Colombo Plan .......................................................................................................... 2781
Budget ............................................................................................................................... 2782
Asylum Seekers .............................................................................................................. 2783
Secretary of the Department of Agriculture ................................................................. 2784
Employment ....................................................................................................................... 2784
Minister for Agriculture ................................................................................................. 2785
Environment ....................................................................................................................... 2785

DISTINGUISHED VISITORS...................................................................................... 2786

BILLS—

Defence Trade Controls Amendment Bill 2015—

Return from Senate......................................................................................................... 2786

COMMITTEES—

Selection Committee—

Report ............................................................................................................................... 2787

DOCUMENTS—

Presentation ....................................................................................................................... 2792

PERSONAL EXPLANATIONS....................................................................................... 2792

MATTERS OF PUBLIC IMPORTANCE—

Budget ............................................................................................................................... 2792
## CONTENTS—continued

### COMMITTEES
- Human Rights Committee—
  Report ................................................................. 2808

### BILLS
- Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014—
  Second Reading ................................................ 2810

### ADJOURNMENT
- Defence Procurement ............................................. 2852
- New South Wales State Election ............................... 2853
- Holt Electorate: Little India, Dandenong .................... 2855
- Coastal Shipping .................................................... 2856
- Employment .......................................................... 2857
- Great Barrier Reef Marine Park ................................. 2859

### NOTICES

### Federation Chamber

#### CONSTITUENCY STATEMENTS
- Richmond Electorate: Schools .................................. 2862
- Petition: Child, Early and Forced Marriage .................. 2863
- Newcastle Electorate: Law on the Beach ...................... 2864
- Sheep Industry ...................................................... 2865
- Science and Research ............................................. 2865
- Dobell Electorate: Green Army .................................. 2866
- Indigenous Affairs ................................................ 2867
- Higgins Electorate: Higgins Stonnington Anzac Centenary March ........................................ 2868
- Corio Electorate: Alcoa ............................................ 2869
- Tasmania: Economy ................................................. 2870
- Griffith Electorate: St Laurence's College ................... 2871
- La Trobe Electorate: Community Awards ..................... 2872
- Workplace Relations .............................................. 2872
- Eucla ................................................................. 2873
- Domestic Violence ................................................ 2874
- Operation Slipper ................................................ 2875
- Formula 1 Australian Grand Prix ............................... 2876
- Carrathool Bridge .................................................. 2876
- Bruce Electorate: headspace .................................... 2877
- Cowan Electorate: Basketball Competition .................. 2878

### BUSINESS
- Rearrangement ...................................................... 2879

### COMMITTEES
- Agricultural and Related Industries Committee—
  Report ................................................................. 2879
- Infrastructure and Communications Committee—
  Report ................................................................. 2892
CONTENTS—continued

Economics Committee—
  Report.................................................................................................................. 2896
Standing Committee on the Environment—
  Report.................................................................................................................. 2898
Economics Committee—
  Report.................................................................................................................. 2900
ADJOURNMENT........................................................................................................ 2904
Questions In Writing
  Youth Connections—(Question No. 682) ................................................................. 2905
The DEPUTY SPEAKER (Hon. Bruce Scott) took the chair at 09:00, made an acknowledgement of country and read prayers.

BILLS

Appropriation (Parliamentary Departments) Bill (No. 2) 2014-2015
Appropriation Bill (No. 3) 2014-2015
Appropriation Bill (No. 4) 2014-2015

Returned from Senate

Message received from the Senate returning the bills without amendment or request.

MINISTERIAL STATEMENTS

Autumn Repeal Day 2015

Mr PORTER (Pearce—Parliamentary Secretary to the Prime Minister) (09:03): by leave—Today, the third repeal day, is another milestone in the government's commitment to rid the community of unnecessary and costly red tape. It is now more than a year since we started our concerted plan to reduce the regulatory burden on our society. We set about changing attitudes towards regulation in government, in business and in the community. For too long Australian society suffered poorly designed and excessive regulation. This imposed unnecessary costs on businesses, community organisations, families and individuals. It sabotaged the productivity of Australian businesses, deterred investment and undermined jobs and growth. Australia needed change and this government made a commitment to deliver that change—and we are. We are instituting a cultural shift in thinking about regulation.

There is no doubt that cutting red tape is a challenging task. The government's focus is now on striking the right balance between the necessary regulation that supports markets, innovation and investment in our economy, while protecting the community and removing the duplicated or unnecessary and excessively costly red tape. The red tape reduction program which the government has instituted has meant significant transformation across the Australian Public Service. Every cabinet submission must now be accompanied by a regulation impact statement to assess the costs and benefits of a variety of policy options.

Deregulation units—tasked with identifying and driving red tape reduction across the Commonwealth—now exist in every portfolio. The Australian government guide to regulation and a regulator performance framework have been developed to assist policymakers and regulators with their policy design and implementation process. We are further committed to work with the states and territories to reduce red tape across all levels of government, and the Commonwealth has a clear and measurable commitment to reduce the cost of complying with Commonwealth regulations by making new decisions to cut red tape totalling at least $1 billion net annually.

Since September 2013, ministers—along with their ministerial advisory councils—have been working to deliver on a range of the government's red tape commitments. Today, as a result of those efforts, in education we will deliver the platform for a national assessment program for literacy and numeracy online from 2017. In health, we have removed
requirements for psychologists to maintain two sets of records of their continuing professional development activities. In agriculture, we are improving the regulation of stock and pet food products of well-defined risk, reducing the need for these defined risk products to be subject to the same intensive assessment process as high-risk agvet chemical products.

In telecommunications, companies are no longer required to provide repetitive information about mobile premium services. This will lessen the regulatory cost for telecommunications service providers. We are also making identity checks even easier for retailers and consumers when purchasing a new prepaid mobile phone, including the ability for retailers to visually check identification documents.

For individuals, myGov services have been enhanced so that customers can now update their details in one place, using the myGov 'tell us once' service, and link Australian JobSearch online accounts to their myGov account to obtain secure and convenient access to online services with a single account and one set of credentials. Students who receive payments for youth allowance are now able to advise of multiple changes to their details in one transaction online without needing to contact a call centre or attend a service centre.

We are removing the requirement for heavy vehicle operators of B-double truck combinations registered under the Federal Interstate Registration Scheme to fit additional spray suppression devices. These devices were shown to increase costs but provide no additional safety benefits. The government has expanded use of personal electronic devices in all phases of flight, provided the operator can ensure the aircraft is operated safely. This now allows passengers to use electronic devices for the full duration of flights, providing improvement in productivity time for passengers, in particular for business travellers.

In response to a review of skills programs by the former council of Commonwealth, state and territory training ministers, we are reducing the number of existing mandatory reporting obligations. As part of the government's industry innovation and competitiveness agenda, launched in October last year, we adopted a new principle that Australian regulators should not impose additional requirements beyond those that already apply under trusted international regulations unless it can be demonstrated there is a good reason to do so. As part of these changes, Australian manufacturers of medical devices, for instance, will be able to choose to have a conformity assessment conducted by either the TGA or an alternative conformity assessment body, such as a European notified body. What this means in practice is that Australian manufacturers of all but the highest risk products will be on an equal footing with those from overseas. In many cases, this will allow locally made medical devices to get to market more quickly.

These are just a handful of the hundreds of examples, and the government's efforts have not stopped yet. We have set a target of removing $1 billion worth of regulation each year in 2014, 2015 and 2016. To underpin this clear and measurable approach to reducing the cost of red tape, upon coming to government we set about the task of undertaking a stocktake of the Commonwealth government's total regulatory footprint. Remarkably, this is one of the few times that any jurisdiction in the world has engaged in a rigorous and consistent process which allows for an accurate assessment of the total cost national government regulation imposes on an economy. For the first time in Australian history, a Commonwealth government has undertaken a complete and accurate stocktake of all Commonwealth
regulatory costs. We are also consistently measuring and reducing those regulatory costs to reverse the growing burden of red tape on the Australian economy.

Having an accurate measure of the Commonwealth regulatory stock means that, for the first time, ministers, departmental secretaries, regulators and policy officers have a detailed picture of the regulations that the Commonwealth government has instituted, through its many pieces of primary legislation, thousands of subordinate instruments and tens of thousands of quasi-regulations.

Today, in tabling the government’s inaugural Annual Deregulation Report to the parliament, we now know that the situation inherited by this government was that, annual costs to business and individuals of complying with Commonwealth regulations is estimated to be around $65 billion per annum. Further, this is the first time in Australian history that a Commonwealth government has, with a very high degree of accuracy, publicly reported to parliament, the total amount and cost of Commonwealth regulation.

Australia now has its most precise, comprehensive and transparent program to reverse the growing costs of red tape on the Australian economy. Being the first Australian government to achieve a thorough, accurate and reliable picture of the stock and cost of Commonwealth regulation offers very significant economic opportunities.

In undertaking a thorough and consistent stocktake of all Commonwealth regulatory costs, the government has developed a map of the Commonwealth regulatory environment. This now underpins what is proving to be a very successful program of significant reductions to the regulatory costs imposed on the Australian economy. The stocktake-measuring process prompts a better understanding of well-designed regulation and poorly designed regulation. And further, the stocktake measurement process provides the opportunity for ministers, policy makers, and regulators to reassess regulation and to work with businesses, community organisations, families and individuals on how to best assist them.

The government is absolutely committed to the ongoing task of identifying unnecessary regulations, removing them and to make sure that necessary regulation is administered in the least burdensome manner. The reduction of red tape is not just about what we do within our own border. It is also about how other countries—potential investors or importers—view us in terms of the ease of doing business in Australia.

According to the World Economic Forum’s global competitiveness index, Australia’s competitiveness ranking has declined over the last decade. In 2013-14, the Australian economy ranked 21st out of 148 economies. When questioned specifically about the burden of government regulation, the perceptions of those surveyed were that Australia was well behind in terms of global best practice. This is a perception that must be directly addressed for a country that is telling the world we are open for business.

Each repeal day is an opportunity to reduce or eliminate regulation and legislation that has outlived its usefulness or does more harm than good. It is also an opportunity to measure the cumulative effect of the many decisions to reduce red tape that the coalition government has progressed since the last repeal day, and since the start of our concerted plan.

Last year, the government identified an estimated $2.3 billion in net red tape and regulatory savings. This was more than double the annual target the government promised to deliver. Today, the government also announced that the total deregulatory saving since September
2013, is $2.45 billion. This is a significant achievement, and one that has real, positive impacts on businesses, community organisations and families.

The year 2015 marks a new year of making Australia more competitive and the commitment to work toward a new $1 billion deregulatory target by the Australian government. Today the government builds on the last two repeal days by announcing 890 acts and 160 legislative instruments will be scrapped as a result of this third red tape repeal day.

The core purpose of the government's red tape objective is to ensure that its deregulatory decisions, when implemented, will substantially minimize the cost of complying with Commonwealth regulations. To help achieve this outcome, this government is committed to continue to actively stem the flow of new regulations and to reduce the stock of regulations it administers.

I am also proud to table the inaugural Annual Deregulation Report today because it shows excellent progress towards this government's objectives to free business, community organisations, families and individuals of the burden of excessive red tape. I would also like to take this opportunity to acknowledge and express my gratitude to my predecessor, current Assistant Treasurer the Hon. Josh Frydenberg MP, and others for all the excellent work and the time and efforts that went into delivering the government's red tape reduction objectives over 2013 and 2014.

We will continue to reach into every corner of the Australian economy to find outdated and unnecessary legislation and policies which mean time and effort for business, but no value for them or for consumers. We are unshackling Australian business so they can innovate, grow and create more jobs for more Australians. Reducing regulatory burden is, part of the government's greater plan to build a healthy, resilient economy.

I present the *Australian Government Annual Deregulation Report 2014*. I also ask leave of the House to move a motion to enable the member for Watson to speak for 12 minutes.

Leave granted.

Mr PORTER: I move:

That so much of the standing orders be suspended as would prevent the member for Watson speaking for a period not exceeding 12 minutes.

Question agreed to.

Mr BURKE (Watson—Manager of Opposition Business) (09:15): It is with pleasure that I notice that after some noise back and forth across the chamber that was carried unanimously! I acknowledge that. How these days have changed. When we came to parliament today I thought it might be like the old repeal days with all the fanfare. We even had a thunderstorm. The elements were coming together to bring about the death of red tape! The previous ministerial statements on this were given by the Prime Minister, the galleries were full and we were told that they were going to be an extraordinary part of the deregulation agenda of this government. I think the parliamentary secretary has probably given a more honest presentation than we have had previously on what these days involve in that there was an acknowledgement, which I was pleased to hear, in the ministerial statement that we need to distinguish between well-designed and poorly designed regulation. The concept that you measure regulation by the kilo, which is how these arguments have been presented previously, holds no public policy merit at all.
I note that since the last red tape repeal day we have had changes from the government announced, for example, on product labelling for food, on the purchase of foreign land and on data retention. All of these involve significant changes and increases in regulation. All of these are supported by the government. I make no negative comment here about those particular measures but will simply say that the argument that you measure by the kilo how many acts and regulations you are getting rid of in order to claim whether or not you are doing something good for the nation is absurd. I hope that with the more measured response we have had from the parliamentary secretary today it means we are nearing the end of the absurdity of how these days have been conducted in the past.

Let's face it: there has never been a government from either side of politics in the history of the Commonwealth that has done anything other than made sure that, as they do annual cleanouts, old regulations get taken off the books. We all do it. The difference is that this has been the first government that has wanted rounds of applause for doing the ordinary work of government. We are told on this occasion that there are 890 acts and 160 legislative instruments that will go. When we were in office, we got rid of 16,794 acts and legislative instruments, and I take no comfort at all in the number. Yes, 16,000 was a bigger number than what we are talking about today, but who cares? The number of regulations and acts is not the point.

In previous red tape repeal days we have had acts that were clearly irrelevant and had absolutely no impact on the rest of the nation being taken off the books for reasonable housekeeping purposes, but they did not warrant the fanfare that occurred. We were told at the first red tape repeal day that the number included the abolition of a previous regulation that allowed the Commonwealth to take control of a mule or bullock for military purposes. It was some time since that had been used. There were not too many owners of mules or bullocks who were counting the cost to their business of that regulation still being around. It was reasonable to get rid of it, but absurd to get excited about it.

Similarly, we had the abolition of state navies, which had not existed since something like 1913. It was around that date since states had made any use of those provisions. It was sensible to get rid of them. Maybe there was a time, when he was a state politician, when the member opposite may have considered it, but it was not something that was making any difference at all to businesses in Australia. It was not making any difference at all to the cost of compliance in Australia. This is why the total numbers are so completely unhelpful. We need to distinguish between so-called red tape that makes a difference and the ordinary cleaning and housework of government.

There is a announcement in the ministerial statement—I concede that I have had a chance to go through the report—of a total deregulatory saving since September 2013 of $2.45 billion. I do not dispute the figure. I have not been able to find it in the report. If the figure is as it is presented then I presume the government is not including those savings that have not been implemented. The minister statement is worded:

Today the government also announced that the total deregulatory saving since September 2013, is $2.45 billion.

On page 19 of the report there is a table that shows a figure for 'decisions taken' of $2.315. If this figure is simply an addition to that—as to what has happened since the date of the report—then it presumes those savings yet to be implemented have been implemented.
The reason I raise this is that $824 million of the figures that have been quoted around here have not be implemented. That is because the government is so passionate about this legislation that the last repeal day legislation still has not made it through the parliament. It went to the Senate. There was an amendment. The government says that they do not like the amendment, even though they did not divide on in the Senate, but they have never bothered to send it back. So it is just hanging around here, waiting for a day when the Leader of the House will decide to ask the Clerk to bring it on so that we can send a message back.

But if this matters at all—if these days are meant to be important and are meant to be a centrepiece of the deregulation agenda of the government—you would think they could be bothered taking three minutes of parliamentary time to send a message back to the Senate. But they have never bothered to do so. So the legislation is just hanging around here with a message from the Senate that we have not responded to. As a result, I presume—given that the $2.45 billion figure does not appear in the report at all—that the figure is actually fictitious, because there is more than 800 million of it that the government has not bothered to advance, has not bothered to send back.

Maybe they are embarrassed about the fact that we have a dispute between the houses over a set of bills that are principally about punctuation—because that is what those bills dealt with. We have previously got excited in this parliament on our big repeal days—with statements from the Prime Minister—where there have been changes to legislation such as changing ‘e-mail’ with a hyphen to ‘email’ without a hyphen, and changing ‘facsimile’ to ‘fax’. And then there has been the audacity to attach to those bills some hundreds of thousands of dollars of estimated savings to the business community by making those changes. It has never been explained to the public how you can quantify a saving to the Australian economy by the removal of a hyphen but if it can be done, good on the government for finding the way through to a punctuation-led recovery, because that is the absurdity of what we have consistently seen in these repeal days.

Sadly, in the repeal days we have had, there has been the occasional measure which has made a difference to people. And the worst of these what was done in the name of red tape repeal to the wages of cleaners working for the Commonwealth. Let's not forget: there was an amendment passed by the Senate, accepted reluctantly by the government, following the first repeal day, when they wanted to get rid of the Commonwealth cleaning guidelines. They wanted to get rid of them and, as a result, take away protections for cleaners. The first thing that happened was that the government accepted that amendment, and we had a discussion in the parliament, when it came back here, about how good it was that that amendment had been accepted. Within 24 hours, they found another way to get rid of the guidelines anyway.

Having done so, the Prime Minister stood up in this chamber and told us that no cleaner's wage would be cut as a result of that decision. But, the moment the first set of tenders to act on that regulation having been removed went through, cleaners' wages were cut. Today we have some of the most modestly paid people, who work as a result of Commonwealth contracts, finding themselves on $2 an hour less. I think it is wrong to cut their pay. I think it is wrong to get rid of the guidelines. But I think it is straight-out offensive to do it in the name of cutting red tape and to claim that deducting $2 an hour for a cleaner was a red tape provision after the Prime Minister stood up and claimed that there would be no cuts to
cleaners' wages, thinking that people on modest wages might not notice when their wages went down by $2 an hour.

It shows two things. It shows the willingness of this government to do anything they can to attack the wages and conditions of people on modest incomes. Secondly, it shows the audacity of those opposite that they tried to pretend that that was a red tape measure. No-one on those sorts of wages regards their take-home pay as an example of red tape. It was nothing to be proud of. If the government wanted to deal with it, they should have done so head-on and honestly. I do not blame the parliamentary secretary at the table for this. He was not responsible for the plan that caused that. But the assistant minister, who he thanked in that ministerial statement, was responsible for that. The measure itself I opposed, but that can be part of genuine political debate. Tying it up as a red tape reform is straight-out offensive.

I welcome the fact that a deregulation report has been tabled. There remain a number of ongoing questions, including: how do the government deal with legislation that they are not willing to send back to the Senate and that they have not cared enough about to deal with at all? But overwhelmingly it deals with the fact that red tape is something that both sides of politics have attacked. In the order of $4 billion a year was saved through the seamless national economy reforms which were done when we were in government. There were no objections from those opposite when we made those reforms, largely. That is the sort of work that the parliament continues to do.

But let's not pretend that this government are only getting rid of red tape. There are times when they introduce it, and there are times when they introduce it with bipartisan support. We need to have a more sensible discussion than what we have had on previous occasions when we have tried to measure this by the kilo and claim that more is being done. In this parliament, it is always the overreach that gets you. It is overreach that has been the government's principal mistake on previous red tape repeal days. (Time expired)

BILLS

Omnibus Repeal Day (Autumn 2015) Bill 2015

First Reading

Bill and explanatory memorandum presented by Mr Porter.

Bill read a first time.

Second Reading

Mr PORTER (Pearce—Parliamentary Secretary to the Prime Minister) (09:28): I move:

That this bill be now read a second time.

Today is another important milestone in this government's commitment to reduce the regulatory burden faced by businesses, community organisations, families and individuals.

Earlier today I tabled the government's inaugural annual deregulation report for 2014. The report provided an important opportunity for us to report to the parliament on our efforts to turn the tide on Commonwealth regulation.

Much has been achieved to reduce red tape, but there remains much to do.

An important element of this government's red tape commitment is dedicating parliamentary sitting days for the repeal of regulation. These repeal days are for the purpose
of repealing counterproductive, unnecessary or redundant legislation and, consequently, removing associated regulations.

These repeal days also allow us to remove the redundant or obsolete items of legislation that we do not use and do not need anymore.

Allowing spent and redundant acts to remain in force on the Commonwealth's statute book makes it harder for businesses, community organisations, families and individuals to find out about the regulations that matter to them.

Instead of being able to quickly and easily find and access the regulations they need to comply with, they have to sift through outdated, unnecessary regulations to determine whether they still apply.

Through the work of all ministers, this government has made significant progress in cleaning up the statute book.

In 2014, the government introduced the autumn and spring omnibus repeal day bills, the Amending Acts 1901 to 1969 Repeal Bill, the Amending Acts 1970 to 1979 Repeal Bill, and the statute law revision bills (No.1 and No.2).

To date and subject to the approval by the parliament, these bills, together with the bulk repeal of regulations introduced by the Attorney-General, will repeal over 10,000 legislative instruments and over 1,800 acts of parliament.

Regulation should only remain in force for as long as necessary. It should be easily accessible and continue to deliver on policy outcomes. This is not about removing protections. This is, rather, the application of common sense.

Today the Omnibus Repeal Day (Autumn 2015) Bill, which is before the House, with the Statute Law Revision Bill (No. 2) 2015 and the Amending Acts 1980 to 1989 Repeal Bill 2015 will further clean up the Commonwealth's statute books, by repealing acts and amending unnecessary and outdated provisions.

The Spent and Redundant Instruments Repeal Regulation 2015 is also part of the government's 2015 autumn repeal day package. The regulation repeals 160 spent and redundant legislative instruments from across government, as well as repealing provisions from other legislative instruments. Repeal of the instruments will reduce red tape, deliver clearer laws and make accessing the law simpler for both businesses and individuals.

Subject to the parliament, these bills will collectively repeal over 890 Commonwealth acts.

The Omnibus Repeal Day (Autumn 2015) Bill, alone, will amend or repeal 14 acts across portfolios, some of which are spent and redundant or have remained on the Commonwealth statute books long beyond the date of fulfilling their purpose. Other acts being amended or repealed have provisions that have been superseded by other legislation years ago.

The omnibus bill will also make a number of amendments to legislation to reduce complexity and reduce compliance costs.

The omnibus bill proposes a number of sensible overdue changes. Some examples of these changes are in the repeal of the Meat Export Charge Act 1984 and the Meat Inspection Arrangements Act 1964, both of which are now redundant. The inspection of meat and meat products for export was overhauled in 2011. The Commonwealth no longer employs any domestic state meat inspectors and cost recovery arrangements are now set out under the
Australian Export Meat Inspection System, with fees being collected under other Commonwealth legislation. This begs the obvious question as to why this redundant regulation needs to remain on the statute books. Another example is the repeal of the Primary Industry Councils Act 1991. At present, no industry councils are established by this act and none have been established under this act for over a decade. Two councils were previously established under the act but are now ceased—the Grains Industry Council (established in 1991 and ceased in 1999) and the Australian Pig Industry Council (established in 1993 and ceased in 1998). We can repeal this act because the original purpose of industry councils is now being fulfilled by other mechanisms.

In addition, the omnibus bill contains one particular measure that will result in over $41 million in deregulatory savings. Proposed amendments to the Health and Other Services (Compensation) Act 1995 will remove the requirement for compensation recipients to separately submit a statutory declaration when submitting a claim for benefits provided under Commonwealth programs for Medicare, nursing home, residential care and home care services.

The requirement for a separate statutory declaration to be signed and witnessed for every compensation claim results in a process that could take several hours per claim in correspondence and phone calls through legal representatives to obtain a valid declaration. Essentially, in these cases, it is already an offence to provide false or misleading information to the Commonwealth, so having separate statutory declarations is unnecessary.

This amendment will reduce the regulatory burden on both compensation payers and around 50,000 claimants per year and allow automation of certain compensation recovery procedures for the government. Compensation recipients will save time by being able to declare that the information provided is true and correct using existing forms.

In this case, the legislation is the responsibility of the Department of Health but the services are delivered by the Department of Human Services. This is a fine example of how departments and portfolios are collaborating on cross-portfolio reforms to reduce red tape, and of the government's resolve to find meaningful reductions in regulatory burden regardless of whether or not they sit within existing organisational boundaries.

As part of the omnibus bill, the government will also remove acts that are now inoperative. Inoperative acts expand the volume of the law without achieving any policy goal and can therefore be repealed.

By way of example, the statute books do not need to include the International Monetary Agreements Act 1959. The act, which relates to former increases in Australia's quota in the International Monetary Fund and to past increases in the capital stock of the International Bank for Reconstruction and Development, has long served its purpose and can be removed from the stock of Commonwealth regulation.

The omnibus bill also abolishes a number of advisory groups and statutory bodies that no longer are justified.

For example, the Environment Protection and Biodiversity Conservation Act 1999 will be amended to end the Biological Diversity Advisory Committee. Membership of this committee lapsed in 2007. The Minister for the Environment is able to use a range of other existing mechanisms, including through the department, stakeholder consultation, scientific input, the
Threatened Species Commissioner, the Indigenous Advisory Committee and the Threatened Species Scientific Committee to achieve the relevant advisory end.

Through our commitment to dedicated parliamentary repeal days and bills such as the omnibus repeal day bill, the amending acts 1980 to 1989 bill 2015 and the Statute Law Revision Bill (No.2) 2015, this government is taking decisive action to reduce red tape.

These are a fundamental part of the government's red-tape commitment.

I look forward to working with the parliament to ensure that these reforms are passed for the benefit of the Australian community.

Last but not least, I thank the Office of Parliamentary Counsel and others for the significant time and effort that went into preparing this important bill which allows the government's third repeal day to be possible.

With this, I commend the Omnibus Repeal Day (Autumn 2015) Bill to the House.

Debate adjourned.


First Reading

Bill and explanatory memorandum presented by Mr Porter.

Bill read a first time.

Second Reading

Mr PORTER (Pearce—Parliamentary Secretary to the Prime Minister) (09:38): I move:

That this bill be now read a second time.


This bill continues the government's efforts to streamline the statute book by removing over 850 amending or repealing acts enacted between 1980 and 1989. This builds on the two previous amending acts repeal bills the government introduced over the previous repeal days which together repealed over 1,700 amending acts made between 1901 and 1979.

The bill repeals each act mentioned in its schedule. In all cases, the repeal of these acts will not impact on existing arrangements or make any change to the substance of the law.

These acts are no longer required as the amendments and repeals that they provide for have already occurred.

If any application, saving or transitional provision is included in one of those acts, any ongoing operation of the provision will be preserved. The acts do not contain any other substantive provisions that are not already spent.

Repealing these acts will reduce the regulatory burden and make accessing the law simpler and faster for businesses and individuals. It will make the statute book easier to use by reducing the time it takes to locate current laws. At present, the acts proposed to be repealed in this bill form part of the current law and it is not clear to everyone whether the acts have force in and of themselves.

Repealing these acts will remove confusion about the status of these laws. It will also facilitate the publication of consolidated versions of acts by the Commonwealth and by

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private publishers of legislation. People with a specific interest in the legislation can continue to access these acts as they will remain publically available on ComLaw as historical records.

The Weights and Measures (National Standards) Amendment Act 1984 is an example of an act that is clearly out of date but is still on the statute book. This act repealed the Metric Conversion Act 1970, which brought the metric system of measurement into use across Australia. It also established the Metric Conversion Board to oversee this change. By the mid-1970s, most Australian industries were using metric units and by the 1980s the transition away from the old imperial units was complete. The Weights and Measures (National Standards) Amendment Act 1984 has done its work and can certainly now be removed from the statute book.

Other acts being repealed by this bill amend principal acts which have already been repealed. For instance, over 60 sales tax amendment acts were enacted between 1980 and 1989. These acts amended principal sales tax acts which were repealed in 2006, as they had become inoperative following the introduction of the goods and services tax in 2000.

There are numerous other items contained in schedule 1 of the bill which amend a principal act multiple times over the decade and are no longer necessary. Amending acts enacted after 1989 will be repealed at the Spring repeal day. I commend the bill to the House.

Debate adjourned.

Statute Law Revision Bill (No. 2) 2015

First Reading

Bill—by leave—and explanatory memorandum presented by Mr Porter.

Bill read a first time.

Second Reading

Mr PORTER (Pearce—Parliamentary Secretary to the Prime Minister) (09:42): I move:

That this bill be now read a second time.

The Statute Law Revision Bill (No. 2) 2015 is part of the government's 2015 autumn repeal day package. The bill continues the work of repealing spent or redundant legislation and correcting minor errors in the Commonwealth statute book. By removing obsolete provisions and correcting outdated terminology, the bill makes improvements to the acts it amends without making substantive changes to the law. The bill improves accuracy and useability of Commonwealth legislation, thereby reducing the burden of regulatory compliance for individuals and businesses.

Schedules 1 and 2 to the bill correct technical errors, remove redundant text and renumber text within principal acts, as well as amending acts and regulations. Correcting these legislative provisions helps to make the law easier to understand and use.

Schedule 3 to the bill makes amendments to make clear, on the face of Commonwealth acts, that the Crown in right of the Australian Capital Territory and the Northern Territory is bound by those acts. It also modernises the form of associated provisions about whether the Crown is liable to be prosecuted for an offence. These changes clarify the intended operation of Commonwealth legislation.
Schedule 4 to the bill updates indexation provisions by replacing the term 'reference base' with the term 'index preference period'. This is in accordance with current terminology preferences of the Australian Bureau of Statistics. The schedule also removes gender specific language. These changes improve the relevance and inclusiveness of the provisions amended.

Schedules 5 and 6 of the bill repeal spent or obsolete provisions and acts. For example:

- The Administrative Decisions (Judicial Review) Act 1977 contains references to the Australian Honey Board, Australian Meat and Live-stock Corporation, Australian Wheat Board and Australian Wool Corporation. As these bodies have ceased, references to them are redundant and can be repealed.
- The G20 (Safety and Security) Complementary Act 2014 provides it ceases to have effect at the end of 18 November 2014, at the latest. As that date has now passed, this act is spent and can be removed from the statute book.

This work will continue in future repeal days. I commend the bill to the House.

Debate adjourned.

**Competition and Consumer Amendment (Deregulatory and Other Measures) Bill 2015**

First Reading

Bill and explanatory memorandum presented by Mr Billson.

Bill read a first time.

Second Reading

Mr BILLSON (Dunkley—Minister for Small Business) (09:45): I move:

That this bill be now read a second time.

The Autumn Repeal Day further illustrates the Government's commitment to cutting red tape. Cutting red tape improves our nation's competitiveness, helps to create more jobs and lowers household costs. It is a critical step towards improving Australia's productivity.

Reducing red tape gives time back to time-poor business people, in particular small-business people. This enables them to put more time and energy into working for the benefit of their business, rather than conforming to unnecessary compliance processes and bureaucratic requirements.

It goes without saying that reducing red tape across the economy will provide a significant boost to Australia's productivity and competitiveness.

This bill forms part of a whole-of-government commitment, ably led and championed by the Parliamentary Secretary to the Prime Minister, who I congratulate for his excellent work, to repeal counterproductive, unnecessary and redundant legislation. It implements a number of important amendments to the Australian Consumer Law (ACL), as well as some aspects of the broader Competition and Consumer Act 2010, to streamline the operation of these requirements and address some known drafting errors to improve the effectiveness of these laws.

It is four years since the ACL came into force on 1 January 2011. This is a timely opportunity to iron out some of the known issues with the operation of the ACL, to ensure it
continues to provide strong protections for consumers without imposing unnecessary compliance costs on industry.

One of the key red-tape reduction reforms in this bill, in part 1 of the schedule, is to remove the reporting requirement for food businesses under the ACL's product safety law.

Currently, state and territory public health laws require hospitals and medical practitioners to report food related illness, injuries or deaths, including serious illnesses or instances where there are multiple cases. For example, in New South Wales this is provided for under the Public Health Act 2010 (NSW). Under this law, hospitals in NSW are required to notify authorities when a patient presents with particular illnesses.

The types of illnesses required to be reported under these laws are set by state and territory regulators and target particular food related illnesses, which are of importance from a food safety perspective. Health and medical practitioners are the first-to-know network that activate the extensive state and territory public health laws and protocols that respond to food related illnesses, injuries or deaths.

In addition to these requirements, the ACL requires all participants in the supply chain for a product (including manufacturers and retailers) to report to the ACCC any incident associated with a death, serious injury or illness to the commission within two days of becoming aware of the incident. Since this requirement was introduced there have been some 4,018 reports, but only two have required follow-up by food regulators. For example, in the case involving Subway in the Northern Territory, enforcement action was already underway at the time of the ACL report.

Both the ACCC and Australian food safety regulators consider these reports to be of limited value in regulating the safety of food products. The reports received under the ACL have not led to improved food safety outcomes for consumers. On the other hand, food safety regulators consider that administering the reports received under the ACL takes up a significant amount of time and resources for regulators, which could be better spent in ensuring better outcomes for consumers. Food related reports make up nearly half of all reports to the ACCC under the ACL.

Over the years, the food industry has informed the government that this requirement places a disproportionate cost on industry.

In removing the food reporting requirement, we will be able to remove unnecessary and unproductive regulation while preserving the overall objective of ensuring the safety of foods. The food safety system is well placed to target the types of food reports that are necessary to ensure that regulators continue to receive the information they need to regulate the safety of foods in Australia. In addition, this proposal will not affect the tools available to the government under the ACL to deal with products, including foods, which are considered to be unsafe. For example, in addition to state and territory food acts, under the ACL the Commonwealth minister may issue a recall notice for consumer goods of a particular kind, including food products, where, for example, it appears to the minister that such goods will or may cause injury to any person.

Another key reform is set out in part 2 of the schedule. This amendment removes the requirement for litigants to seek my agreement to bring an action for a breach of the Competition and Consumer Act 2010 that takes place overseas. This requirement was inserted
into the act in 1986 due to concerns that the extraterritorial application of the act may impinge on the laws or policies of the country where the breach took place. This is not such a concern today.

Similar requirements to the Competition and Consumer Act 2010 now exist in most countries. These have a significant degree of uniformity in the general types of conduct they prohibit, with even further convergence likely in the future. Reflecting this, the government is not aware of any request for ministerial consent having ever been refused.

On the other hand, this requirement imposes a significant barrier on parties seeking private action to enforce their rights under the law. For example, the government has received feedback that this requirement could delay the course of proceedings, as the requirement for ministerial consent may not marry with the time frames of courts for filing statements of claim or defence.

The current procedure also requires applicants to provide advice on the laws of the country in which the alleged conduct took place to assist the government to assess their application. We have received advice that this may cost around $30,000 on average, and some applicants have also been required to obtain such advice from several jurisdictions, further exacerbating these costs.

This bill also includes a number of additional measures to amend the Competition and Consumer Act 2010 and the ACL in order to improve their administration.

Part 4 of the schedule removes a redundant requirement for the ACCC to maintain a register of certain records when they hold conferences for product safety bans. These provisions were repealed when the ACL was introduced and have been superseded by division 3 of part XI of the act, which modernises the record keeping requirements of the ACCC. This proposal will not affect any information on a register of notifications previously required to be kept by the ACCC.

Part 5 improves the ACCC’s ability to disclose information to certain agencies where suppliers report products or services sold in Australia that were associated with a death, serious injury or illness under the product safety regulations. This provides the ACCC with the ability to work with other government agencies and regulators, both in Australia and overseas, to respond promptly to such incidents to safeguard consumers. Before sharing this information, the ACCC must satisfy itself that it is reasonably necessary to protect public safety. There are also a number of other safeguards in place to ensure such information is not shared inappropriately, including our privacy laws.

Part 9 permits the ACCC to seek a court order directing a person to comply with a notice given under section 155 of the Competition and Consumer Act 2010. This further strengthens its ability to obtain the necessary evidence to properly investigate allegations of a breach of the law.

These measures improve the administration of the Competition and Consumer Act 2010 and reduce red tape for consumers, business and government.

Also, as this is one of the first opportunities to amend the ACL since its inception, a number of minor errors in the drafting of the ACL are also being addressed.

For example, part 3 of the schedule extends the jurisdiction to hear pyramid selling and unsafe goods liability cases to state and territory courts, as they were mistakenly excluded.
when the ACL was passed in 2010. This amendment expands access to justice for consumers in relation to these important provisions of the ACL by providing them with access to state and territory courts and low-cost tribunals, rather than only through the Federal Court.

Part 6 corrects a previous drafting error so that the offence of conspiracy under the Criminal Code, which is set out in the Criminal Code Act 1995, is carved out where the Competition and Consumer Act 2010 applies, to ensure there is no duplication between these two laws.

Part 7 clarifies the rights and responsibilities relating to cooling-off periods for unsolicited consumer agreements for consumers and businesses to ensure greater certainty.

Finally, part 8 corrects a drafting error regarding the application of section 33 of the ACL as a law of the Commonwealth. Section 33 prohibits conduct that is liable to mislead the public as to the nature, manufacturing process, characteristics, suitability for purpose, or quantity of goods. Previously, the Trade Practices Act 1974 had applied this provision to any person; however, when it was inserted into the ACL it was only applied to corporations.

As section 33 implements Australia's obligations under the Paris Convention for the Protection of Industrial Property, it is appropriate that it applies to all persons as a law of the Commonwealth. However, this amendment does not change the substantive obligations of Australian traders—section 33 of the ACL already applies to the conduct of all persons as a law of the states and territories.

These amendments ensure that the law, contained in the ACL and the Competition and Consumer Act 2010, can continue to operate as effectively as possible to protect Australian consumers.

In conclusion, this bill makes an important contribution to the government's agenda to increase Australia's competitiveness, boost productivity and create jobs by reducing regulatory burden and red tape. Removing unnecessary requirements in the ACL will mean our businesses can focus on growing, and our regulators can more effectively prioritise their resources to secure better outcomes for consumers.

In closing, I would like to thank and acknowledge the Treasury officials and my own staff for the work that has gone into this bill. This is an area of co-regulation, requiring a great deal of collaboration with state and territory authorities. That is dextrous and collaborative work that requires great diligence, and I thank them for applying that diligence with this bill.

Debate adjourned.

Food Standards Australia New Zealand Amendment Bill 2015

First Reading

Bill and explanatory memorandum presented by Ms Ley.

Bill read a first time.

Second Reading

Ms LEY (Farrer—Minister for Health and Minister for Sport) (09:57): I move:

That this bill be now read a second time.

The Council of Australian Governments (COAG) agreed at its meeting on 13 December 2013 to streamline its council system from 22 councils to eight.

CHAMBER
The five legislative councils—including the Australia and New Zealand Forum on Food Regulation (FoFR)—will continue as per legislative requirements, outside the operation of COAG.

At the FoFR meeting on 27 June 2014, ministers agreed to change the name of the FoFR to the Australia and New Zealand Ministerial Forum on Food Regulation.

The Food Standards Australia New Zealand Act 1991 (the FSANZ Act) requires amendment to reflect the name change.

Amending the FSANZ Act with a new name presents an opportunity to make other amendments in the same bill to improve the clarity and operation of the legislation including minor administrative amendments in relation to the Australia and New Zealand Ministerial Forum on Food Regulation.

The amendments will improve regulatory clarity and provide greater clarification for businesses and FSANZ by improving consistency in the way in which the FSANZ act outlines procedures for consideration of food regulatory measures. For example, the bill will allow the Authority (Food Standards Australia New Zealand (FSANZ)) to give written notice to only those appropriate government agencies that the authority considers have an interest in the matter to which the notice relates, rather than to all agencies as is the case at present. I thank the House.

Debate adjourned.

COMMITTEES

Intelligence and Security Committee

Report

Mr TEHAN (Wannon) (10:01): On behalf of the Parliamentary Joint Committee on Intelligence and Security I present the committee's report entitled Review of the declaration of al-Raqqa province, Syria.

Report made a parliamentary paper in accordance with standing order 39(e).

Mr TEHAN: by leave—I am pleased to present the committee's report on its review of the declaration of al-Raqqa province, Syria, for the purposes of section 119.2 of the Criminal Code. This section makes it an offence to enter or remain in an area of a foreign country declared by the foreign minister. There are exceptions to this offence for persons entering declared areas solely for one or more of the legitimate purposes listed in the code, including for the purposes of humanitarian aid or visiting family members.

Al-Raqqa province is the first area to be declared, for this purpose, following the passage of the Counter-Terrorism Legislation Amendment (Foreign Fighters) Bill 2014. As a result of amendments to that bill, recommended by the committee in its October 2014 report, the committee is able to review all declarations made under the new levels within the 15-sitting-day disallowance period.

The committee's ability to review declarations is a significant additional safeguard for the declared area offence. Through its reviews, the committee will focus on ensuring that declarations are justified, that the boundaries of declared areas are appropriately drawn and that declarations are clearly communicated. Advice provided to the committee indicated that
al-Raqqa province meets the required threshold for declaration, that a listed terrorist organisation is engaging in a hostile activity in the area against all the relevant criteria.

Al-Raqqa was described as the de facto capital of the Islamic state of Iraq and the Levant, ISIL, and the base from which much of its operations are directed. The atrocities being committed by ISIL, also known as Daesh, in Syria are well known to the committee and broader community, sadly. The organisation has control of al-Raqqa province, which is the centre of its sphere of influence.

The committee consider the declaration of al-Raqqa province to be well within the scope of what declared area offence was intended to target. The committee is therefore satisfied the declaration of al-Raqqa province is appropriate and has recommended that the legislative instrument declaring al-Raqqa province, for the purposes of section 119.2 of the Criminal Code, not be disallowed.

During its review, the committee noted there were other parts of both Syria and Iraq that were likely to meet the threshold for declaration, at least temporarily, due to hostilities committed by Daesh. To be effective, however, the committee accepted that it is necessary for declared areas to be relatively stable, with highly specific boundaries that are easily communicated to the public. The committee has also recently started its review of a second declared area involving Daesh, the Mosul district of Ninewa province in Iraq, which was declared by the foreign minister on 2 March 2015.

The committee has noted the activities that have been undertaken, by the government, to inform the community of both the declaration of al-Raqqa province and the declared area offence more generally. The committee considers that a sustained effort will be required to inform the committee about the risks associated with travel to conflict zones. The committee also considers that the government should continue its advocacy, both bilaterally and multilaterally, for action against the threat posed by foreign fighters. I commend the report to the House.

**BILLS**

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

Debate resumed on the motion:

That this bill be now read a second time.

Ms HENDERSON (Corangamite) (10:06): I rise to continue my contribution on the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014. Last night in my contribution I was speaking about some of the incidents of terrorism that we have seen in recent months and also the increasing concerns about the rise of lone-wolf terrorism, which makes the uncovering of terrorist plots even more difficult. Terrorism expert Dr Clarke Jones from the Australian National University said in an ABC News story on 20 January 2015:

This year is going to be a year of terrorism in the sense that I think we are going to see more small scale attacks.

There is no doubt that these are very troubling times.
The government does not propose or suggest that metadata will always stop a terrorism attack. I want to make the point—and this was actually made to me on Twitter last night, when I made my first contribution—that the use of metadata in relation to acts of terrorism is vital during an incident, such as the Sydney siege, for investigators and is of course vital for security and law enforcement agencies in the investigation of a terrorist incident. This bill is the vital next step in giving our agencies the tools they need to keep us safe. For that reason, and as I have said, I am very pleased that Labor is supporting this bill.

I certainly want to note again the excellent work of the Joint Parliamentary Committee on Intelligence and Security—and we have just heard from the member for Wannon in relation another matter. The committee has done an excellent job in addressing some of the issues with the original bill. The committee made 39 recommendations, which were of course accepted by the Attorney-General, and we now have those amendments in the bill before us today.

I did reflect on the member for Perth's contribution last night. I note an ABC report on radio this morning, 'Labor MP angry at how metadata was handled', and it was disappointing that the ABC perhaps did not give the same prominence to the fact that this bill is being comprehensively supported by both sides of the House—by the government and by the opposition. I have to say that I think it is a very partisan report. My comments in reply were not reported and yet there were some fairly derogatory comments in relation to the Prime Minister made by the member for Perth that were reported. The fact is that the ABC has not properly reported the member for Perth's speech and has not properly reported the fact that this bill has been comprehensively supported by both sides of the House.

AFP Commissioner Andrew Colvin has advised the government that between July and September 2014 metadata was used in 92 per cent of counter-terrorism investigations, in 100 per cent of cybercrime investigations, in 87 per cent of child protection investigations and in 79 per cent of serious crime investigations. I think the member for Gellibrand in his contribution last night made the point well that this metadata is needed not just for terrorism and terrorism incidents but also for a range of crimes being investigated by law enforcement agencies. Internet service providers are keeping fewer records and it is vital that our law enforcement agencies have the tools they need to do their job. That is why this bill, which requires the ISPs to maintain this data for some two years, is so important.

David Irvine, former Director-General of ASIO, has said that, unless metadata practices are changed, law enforcement and counter-terrorism efforts will be severely hampered—and we must not let that happen. As I mentioned, under this bill, the industry will be required to keep a limited range of metadata for two years. It is important to reiterate that the government is not asking telecommunications companies to retain the content of communications—content such as emails, private social media posts, texts or telephone conversations or information showing a person's web browsing history. Metadata is information about a communication, not the content or substance of a communication. So we are talking about things like IP addresses, phone numbers and email addresses.

I also want to make the point that protecting the security of personal information is a key priority of this government. As a Liberal, I believe in a government that minimises interference in people's lives. That is why this bill has a range of important safeguards. The bill before us today strikes the right balance between protecting the privacy of the community.
and giving our security and intelligence agencies the help they need to keep us all safe, to maintain a safe and secure Australia. The bill limits access to just the agencies which have a clear need for such access and have well-developed internal systems for protecting privacy, such as law enforcement and intelligence agencies. Data must be reasonably necessary for the purposes of investigating criminal offences and other permitted purposes. The bill also requires the Attorney-General to report annually on the operation of the scheme. We are also introducing a comprehensive oversight by the Commonwealth Ombudsman for any Commonwealth, state or territory law enforcement agencies accessing this retained data. The government is also progressing the telecommunications sector security reforms that seek to ensure the ongoing security and integrity of Australia's telecommunications infrastructure.

I also want to make the particular point that there was an issue in relation to journalists' sources. As a former journalist myself, I do appreciate and understand how important it is to protect journalists' sources as best we can and to support investigative journalism, the free press and a health democracy. After some consideration in relation to this matter, the Attorney-General has made it clear that the data retention bill does not target journalists or their sources. To expedite the passage of the bill, the government has proposed an amendment to require agencies to obtain a warrant in order to access a journalist's metadata for the purposes of identifying the journalist's source. I welcome this move, which provides a greater level of comfort that journalists' sources will be protected. It is an amendment that has been accepted by those opposite, and I am pleased to see that the issue has been resolved.

We are taking a range of measures to combat terrorism, including a $630 million counterterrorism package announced by the Prime Minister in August 2014. That package includes expenditure of $13.4 million to strengthen community engagement programs; $6.2 million to establish a new Australian Federal Police community diversion and monitoring team; $32.7 million for a multiagency national disruption group to investigate, prosecute and disrupt foreign fighters and their supporters; and $11.8 million for the Australian Federal Police, to bolster its ability to respond to the threat of foreign fighters at home and abroad.

As I have outlined, terrorism, very sadly, poses a significant risk to the community. In this country the government is working very hard to do everything we can to keep Australians safe and secure. This bill is an important part of that effort, and I commend the bill to the House.

Dr LEIGH (Fraser) (10:16): I rise to speak on the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014. In considering any bill before the House, it is absolutely vital that we first recognise the status quo. On the issue of telecommunications data, as much as on any issue since the 1999 republican debate, misunderstandings about the status quo have bedevilled the debate about proposals for changing that status quo. So I want to begin by talking about the situation as it currently exists, before the passing of this bill.

At the moment telecommunications companies keep a lot of data about Australians. They keep information about call histories and about the mobile phone towers with which our mobiles have communicated. They keep this information for varying periods of time, sometimes up to seven years.

At the moment this information is accessed a lot. According to the report on the Parliamentary Joint Committee on Intelligence and Security:
In 2012–13, more than 80 Commonwealth, State and Territory enforcement agencies accessed historic telecommunications data under the TIA Act. In total, those agencies made 330,640 authorisations for access to historic telecommunications data, resulting in a total of 546,500 disclosures. So, at the moment, telecommunications data is being accessed over half a million times a year.

At the moment the range of agencies that are accessing that data is very broad. They currently include: the Department of Foreign Affairs and Trade’s passport offices; the Department of Immigration and Border Protection; Racing New South Wales; the Victorian Department of Environment and Primary Industries; the Wyndham City Council; and RSPCA South Australia. So those who argue that we should not pass this bill and should stick with the status quo are effectively advocating for a status quo in which half a million warrantless requests are made annually by agencies that include the RSPCA.

I do not believe this is well-known. Part of the reason for that is the way in which the government has pursued the conversation. On both sides of this, there have been some who have raised extreme concerns. In 2012, one person said of the retention of telecommunications data that it would have ‘a chilling effect on free speech’. Another said:

The idea that the government should collect and retain the online records of all Australians for a period of two years I think is disturbing. It appears to go too far and I would have to be persuaded that this was a reasonable request.

On the flip side, one individual said that failing to pass this legislation will cause ‘an explosion of unsolved crime’.

We have to put these extremist views to one side. The quotes I have just read into Hansard were from, in order, the member for Wentworth, Malcolm Turnbull, in 2012; the member for Curtin, Julie Bishop, in 2012; and Prime Minister Abbott, when speaking this year. You can understand that when senior figures take such extreme views about this legislation that it is difficult to have a reasonable and moderate debate.

It is certainly true that telecommunications data is an important policing tool. Of the half million requests that currently are made, the overwhelming majority are made by policing agencies. The murder of Jill Meagher was ultimately solved using telecommunications data, by matching the cell tower tracking patterns of Jill Meagher’s phone and Adrian Bayley’s phone. South Australian police have told the Parliamentary Joint Committee on Intelligence and Security that they were unable to re-open a murder investigation because the telecommunications data was no longer available. They said:

A stalled murder investigation was reviewed about 14 months after the victim’s death. Fresh information received during the review identified a suspect who was a known drug dealer. The victim, a regular drug user, had been in contact with the suspect and investigators suspect the victim may have been killed over a drug debt. Historical telecommunications data was sought for the suspect's mobile service for around the time of the murder but it was no longer available.

So the retention of telecommunications data could in that case potentially have helped to solve a murder.

It is into this context—a context of half a million warrantless requests from a range of agencies, including the RSPCA, with few oversights—that the government has moved to change the law.
The bill brought before the House by the communications minister last year was inadequate. It lacked appropriate safeguards for the use of telecommunications data. It also lacked an appropriate public conversation about the fact that telecommunications data is primarily used not in counterterrorism operations but in policing operations. That, I think, is one of the reasons why the government has struggled to engage the public on this, because people have felt that this was a new regime. They have felt that, at present, their telecommunications data was not being kept and was not being accessed, and that the government was demanding new rights to store and access telecommunications data.

I believe that it is appropriate to put in place some safeguards around the use of this telecommunications data. Thanks to Labor members on the Parliamentary Joint Committee on Intelligence and Security, this bill has been significantly amended. Those amendments include: listing the dataset in the bill itself, so Australians can know what aspects of our data is being retained; limiting access to telecommunications data to only those enforcement agencies specifically listed in the bill, and not allowing the Attorney-General to add agencies at whim; and providing oversight of the operational use of this legislation by parliament's intelligence community—the first time the committee has been given this power, and a step towards beginning to implement the reforms proposed by John Faulkner.

As a result of amendments championed by Labor members, ASIC and the ACCC are able to access telecommunications data to investigate and prosecute white-collar crime. We did not believe that it was reasonable to say that this information could only be available in prosecuting violent crime. We believe that it also should be used to tackle white-collar crime. The report and the subsequent amendments require telecommunications companies to provide customers with access to their own telecommunications data upon request. It requires stored data to be encrypted to protect the security and integrity of personal information. We, on this side of the House, continue to believe that that storage should be in Australia. It does not matter what level of encryption the system has, it is likely to be useless when faced with somebody with physical access to the servers. That means that offshore servers are always going to be less secure in relation to this information than if the information is kept onshore.

As a result of amendments, this bill will prohibit access to telecommunications data for the purposes of civil proceedings, so it cannot be used, for example, in a case of copyright enforcement. On Q&A last November it was put to the Attorney-General by Tony Jones that this could be used for prosecutions against internet pirates. The Attorney-General said at the time, 'Well, they can't be and they won't be.' That was not right. As the bill stood at that time, it could be used to prosecute people who illegally downloaded Game of Thrones. That is no longer true as a result of the amendments championed by Labor members.

We have required a mandatory data breach notification scheme to ensure telecommunications companies notify customers if the security of their telecommunications data is breached. We have increased the resources of the Commonwealth Ombudsman to strengthen oversight of the mandatory data retention scheme, and we have ensured a mandatory review of the data retention scheme by no later than four years from the commencement of the bill. Importantly, as well, we have ensured that if journalists' data is to be accessed, that must be done through a warrant.

We have ensured that these amendments have been put in place. As a result, I do not want to claim that this is a perfect bill. There are significant challenges in an area such as this
where we are balancing the reasonable concerns of law enforcement with the perfectly reasonable concerns of privacy. I would put it to those who argue that this bill is an inappropriate intrusion into personal liberties—and many people have contacted my office with concerns about this bill—that we currently have a system with more than half a million warrantless accesses. We currently have a system where the RSPCA can access your telecommunications data. We currently have a system without oversight from the Commonwealth Ombudsman and without proper oversight from the Inspector-General of Intelligence and Security. So, this system tightens up access to telecommunications data in a way that ought, I think, to give Australians a little more certainty about the access of their telecommunications data.

This is an ongoing challenge for reform. I have little doubt that when parliament comes back to look at this scheme in four years time there will be changes that need to be made. I am also under no illusions that this telecommunications data regime will catch all wrongdoers. But I do believe that it is possible that it might have assisted in the solving of the 14-month-old murder case that South Australian police confronted where telecommunications data had been discarded. It was by chance that the murder victim was using a particular mobile phone whose carrier did not retain the data for as long as other carriers do.

I do believe that this bill puts in place additional safeguards. For the first time, individuals will be able to access the information that is kept about them. For the first time, individuals will have the certainty that the information being kept about them is encrypted. For the first time, there will be appropriate resources given to the Commonwealth Ombudsman in order to oversee the use of these data.

We need to have this debate in an environment of full information. I understand the busyness in so many people's lives as they confront these conversations. The conversation has not been helped by overblown rhetoric such as that, indeed, of Malcolm Turnbull and Julie Bishop in 2012. We do not need to claim that this reform solves all the world's problems, but we do need to acknowledge that the current system is, in some sense, a bit of a Wild West for the agencies that can access it and the oversight that is provided. This bill takes a step along the way towards a better regime for telecommunications storage and access and I commend it to the House.

Mr ENTSCH (Leichhardt) (10:30): I rise to speak to the Telecommunications (Interceptions and Access) Amendment (Data Retention) Bill 2014 and indicate that I very much support this bill. There comes a point, when the safety of the Australian people is at stake, that the Australian government is certainly obliged to step in—when the government has no choice but to make firm decisions to help safeguard our country against those who would destroy our free, democratic way of life. We are blessed to have incredible communications technology here—technology that lets us speak instantly with family across the world; technology that lets us download our favourite movies and music in mere minutes; technology that crosses national and cultural boundaries and lets us tweet or blog about our lives to a potential audience of literally billions.

But not everyone is using it for good. There are groups out there who use this same technology to commit crimes—to steal personal information, to distribute child pornography and to plan terrorist attacks. These are not pie-in-the-sky, far-off fantasies; they are happening on our shores and they are certainly happening in our own backyard. Against such faceless
attacks, national security becomes everybody's responsibility. Every Australian man, woman and child, every business owner, every company and every agency has to play their part. The resources of our national security agencies, ASIO, ASIS and the AFP, are certainly limited and it would take an obscene amount of money, time and other resources for them to cover every base. We need a whole-of-country effort and, against these threats, we need metadata.

Metadata is the who, when and where—not the content—of communication. It is information such as an email address or telephone number and the time the email was sent or the call was made. It does not include the content of the communication, not even the email subject line. The government already works with our major telcos, Telstra, TPG, Vodafone and the like, to fight crime on an international, electronic level using metadata. In fact, the degree to which metadata is used in investigations already would probably surprise you, Mr Deputy Speaker. Between July and September last year it was used in 92 per cent of counterterrorism investigations, 100 per cent of cybercrime investigations, 87 per cent of child protection investigations and 79 per cent of serious organised crime investigations. I rise here today to say that I support this amendment, I support data retention and we will support our country's fight against those who will use technology to commit crimes against us.

The value of data retention was seen most recently in the Europol child exploitation investigation called Operation Rescue. The perpetrators involved shared much of their information online, and so physical evidence was very hard to get. In the UK, which has data retention laws, authorities were able to identify 240 of 371 suspects, two-thirds of them, using telecommunications data. The police stings that followed led to 121 arrests and convictions. Compare that to Germany, which has no data retention laws. In the very same operation, 377 suspects were believed to be living in Germany but German authorities were only able to positively identify seven, less than two per cent. They also were not able to gather enough evidence to arrest or convict a single person. The same situation was repeated in Austria, Sweden, the Czech Republic and Norway, which, at the time, did not have data retention laws. Had these countries had legislation in place, they would have been able to potentially convict hundreds of child molesters. But, because police were not able to access the metadata they needed, those perpetrators, unfortunately, are still out there.

Do we want to find Australia in a similar situation? I think not. We need to have the foresight to support our law enforcement authorities to fight against crime, espionage, cyberattacks and terrorism. We need to learn from the experience of our European friends, not repeat their mistakes. Our law enforcement heroes depend heavily on data retention and metadata for catching paedophiles. Just last year, the AFP received a tip-off regarding a person suspected of uploading child pornography to an image-sharing website. The AFP sent the IP address to the relevant telco and were able to identify the subscriber and their location. With this information, they gained a search warrant of the individual's home, where they found a large amount of child pornography material and information indicating possible abuse. That man is now behind bars, thanks to our police being able to use metadata.

Now consider this. Again last year, 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 the IP address details to our police, but, because the Australian carrier only kept their metadata for seven days, the suspect was able to disappear into the dark depths of
the web. This is precisely why data retention is a vital asset. It is a front-line defence against criminals and a valuable tool to hunt them down.

If we do not make these amendments to enforce that metadata be kept for two years, our law enforcement agencies will no longer be able to do their job effectively. The New South Wales police commissioner recently said:

There’s not a terrorism investigation since 9/11 that hasn’t relied on metadata.

He said:

This information is available right now. All we’re saying is keep it for a little longer.

We need to accept that there is a risk out there. We have already seen that, despite our physical distance from other countries, terrorists are targeting Australians. It happened in Bali in 2002 and of course again in 2005. More recently, it is happening on our own soil as well, unfortunately.

We know of at least 90 Australians actively involved in terrorist groups in Iraq and Syria, and another 140 onshore actively supporting them. We cannot afford to stick our heads in the sand and block our ears. We cannot vainly hope that our distance from other countries will always protect us. We cannot continue to believe, when all the evidence indicates otherwise, that ‘she’ll be right, mate’.

There have been some very specific concerns by the public about our push for data retention. One of my constituents from Cairns, Mr Trent Yarwood, is a member of the organisation Future Wise. He argues that there is:

… no provision for the privacy of the data in the bill, and no provision for the law enforcement agencies to fund storage of this data, or to securely delete it once access is no longer required.

Mr Yarwood goes on to say that he and the Future Wise team are concerned about the effectiveness of the proposed regime as well as a number of secondary impacts of the bill, which he said include the impact on personal privacy and the presumption of innocence; warrantless access to personal data; cost implications for internet service providers and end users; and that the length of the retention period is not necessary or proportionate.

I certainly appreciate Mr Yarwood’s comments and I have forwarded them to the minister’s office but, in the meantime, I want to make a few points in response to his concerns. The government is not asking internet service providers to keep any data that would reveal their web browsing history. We are not asking for the content or substance of emails or social media posts; we are only asking telcos to keep certain specific metadata—the who, when and where of communications—for two years to assist with criminal and national security investigations.

My constituent Mr Yarwood talked about the cost. I can tell you the estimated up-front capital cost of this regime to all business is less than $319.1 million—that is less than one per cent of the $43 billion in revenue generated by the telecommunications industry each year. The government has also constantly said that we will make a reasonable contribution to this.

Mr Yarwood talked about personal privacy. It is our top priority, which is why this bill proposes several safeguards. Firstly, the data will continue to be held by the industry. Secondly, only specific government agencies will be able to request access, and only for specific circumstances. Thirdly, there will be multiple oversight bodies in place to make sure that agencies respect those controls.
We also recognise that the principle of freedom of the press is fundamental to our democracy. That is why the government is open to further measures to protect journalists' sources, and I am aware that these conversations are continuing. We have decided that a further amendment will be moved that will require agencies to obtain a warrant in order to access journalists' metadata for the purposes of identifying a source. Most importantly, this legislation is not about identifying journalists' sources; it is about making sure our security and law enforcement agencies continue to have access to metadata.

The Telecommunications (Interception and Access) Act 1979 also provides a framework that governs who can access the data. But we are actually going much further. We are reducing the number of agencies that can apply to access this data from 80 down to around 20. Our law enforcement officers cannot just trawl through telecommunications data whenever they like—that would be a criminal offence and they could be charged. Data has to be reasonably necessary—not just helpful or expedient—for investigating criminal offences and other permitted purposes.

Our federal law enforcement agencies are subject to ministerial oversight, as you are well aware, Mr Deputy Speaker Vasta—Senate estimates, parliamentary committee inquiries and the Australian Commission for Law Enforcement Integrity. Finally, requests for information by law enforcement agencies from telcos are reported annually, released publicly and subject to oversight by the Commonwealth Ombudsman. Having these layers of independent oversight means that any agency that accesses the data is certainly subject to some very intense scrutiny.

As you can see, we are not taking any risks with this telecommunications metadata. We need it to conduct criminal investigations, but the data will be held behind lock and key and only accessed when absolutely necessary.

Before I finish, I want to acknowledge the recent inquiry into this bill by the Parliamentary Joint Committee on Intelligence and Security. As you know, this committee was bipartisan. Both Liberal and Labor came together to unanimously create a bill that protects Australians from those who would harm us, while also protecting our privacy. The committee's inquiry made 39 recommendations, and I am pleased to say that we will be supporting all of those as we move forward.

In conclusion, this amendment is a string in our law enforcement bow that will require telcos to keep specific metadata for two years. It is a vital measure to help us, as a country, stop online criminals—not the petty pirates who illegally download the *Game of Thrones* or the latest Hobbit movie but the hard-core criminal organisations who engage in child exploitation, identity theft and terrorism.

We cannot wait for another major crime to occur against an Australian child, against an Australian family or against our nation. We need to put processes in place so that we will have a strategic defence against tech-savvy terrorists so that our law enforcement agencies can respond quickly and effectively against threats to our Australian way of life.

The law has strong safeguards in place to protect our own citizens and measures that will ensure that only those who need access to data for major law enforcement activities can see it. Quite frankly, the only people who need to be concerned about these amendments are those major criminals. To them, I say: 'Australia certainly will be ready.'
Mr BANDT (Melbourne) (10:44): The Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014 is a bad law. This law is for smartphone and internet surveillance and it turns every Australian into a suspect. There is a basic principle in this country and in many others that, unless you are suspected of having done something criminally wrong, governments have no right to intrude into your private life and monitor what you do.

This bill trashes that principle and it trashes it in, at least, two respects. This bill treats everyone in this country the same, whether or not they are suspected of having done something wrong. In other words, someone on a train, who is just using their smartphone to browse the web on their way home, is treated exactly the same as someone who is suspected of having committed a crime. The same data is kept about you, is stored and is able to be accessed.

The second way in which it trashes this fundamental principle is that you do not even need a warrant to get access to this information. There are suggestions that an amendment will be moved to give some protection to journalists but, if the protection can be given to journalists, why can it not be given to everyone? In other words, why are we now departing from the principle that says that, if a police officer or an enforcement agency thinks someone has done something wrong, they go to a judge and they convince them that this person is such a suspect that their private life now needs to be intruded upon and looked at by government? The government is saying, 'We don't need that anymore.' In other words, it will be as it is at the moment, as simple as filling in a form to say, 'We want access to this person's metadata.'

What is metadata? What is the kind of information that will be captured?

Our Attorney-General tried to explain that to us. And, frankly, watching that interview where Attorney-General Brandis tried to explain what metadata is was like watching my dog try to play chess. He was completely out of his depth—going on national television and saying, 'We really need this power,' and then when the interviewer said, 'What information do you actually want?' he could not explain it. The government tries to hide behind that uncertainty and that obfuscation by saying, 'Don't worry; it's only a little bit of information.'

If you call your doctor from your phone and then jump on a bus to visit your doctor, use your phone to call your close friends and family, you could, just from that, paint a bit of a picture about what you have been doing just in that afternoon alone. Because when you have enough bits of data, you do not need to listen in on a phone call; you know what someone has been doing. That is exactly what the heads of the national security agencies in the US have said about this. NSA General Counsel Stewart Baker said:

Metadata absolutely tells you everything about somebody's life. If you have enough metadata, you don't really need content—

because you can put together that picture. A former director of the NSA and CIA went on to say, 'That's absolutely correct.' And further:

We kill people based on metadata.

That statement is from a former head of the NSA and CIA. Their view, as security agencies, is that, nowadays, if you can put enough pieces of information together you do not need to listen anymore into the content of calls. We can just put together enough of a picture and know what someone is doing. That is in the context of law enforcement and, potentially, international
activity. Now these same laws and principles will be brought to every citizen in this country without safeguards.

There was a suggestion from the previous speaker that this will somehow help us catch tech-savvy criminals. This law applies to Australian service providers. Let us just take email. If you do not want your email metadata to be caught, all you need to do is use Google webmail and then you will not be caught. Wow! I wonder which tech-savvy supercriminal will not work that out. This law immediately suggests that you can get out of having your email metadata collected by jumping on an online web server that is hosted in another country. But, more than that, there currently exist numerous ways that are legal and freely available to disguise your identity online and to have privacy. And people are now doing that.

Five minutes on the internet will tell you how you can work your way around this law. If this law catches any criminals, it will only catch the dumb criminals, who have not spent five minutes googling to work out that if they just use Google Webmail they will not be caught by this law, they can send whatever they like and you will not be able to catch the metadata. But it will catch everyone else—people who would not think about moving to some virtual private network or shifting from an Australian server to a Google-based international webmail server because they are not suspected of having done anything wrong. Why would they go to the trouble? Those are the ones who will be caught by this bill.

We are told that there will be protection for journalists in this bill. The Labor Party comes in here and says, 'We will give a struggling Prime Minister a leg up on national security and sign up to this.' And no amendment has even been circulated to give protection to journalists. Where is the amendment? We are now debating this legislation and no amendment has been circulated in the chamber, no amendment has been made publicly available and the Labor Party is prepared to take this government on faith. Well, we are not and why should we? Why should this parliament be required to vote on legislation without a chance to properly look through all these amendments? This is complicated legislation and giving people protections from these kinds of laws is complicated and that is exactly why this should not be rushed. But the government comes in here and says, 'We want this done in the next fortnight.' Labor says, 'Yes, we're happy to do it, even though we haven't seen any amendment.' That is not the way for a parliament to behave when we are talking about infringing on people's privacy and taking away rights that they have enjoyed for a long time.

What we also do not know is how much of this information is going to be available in civil suits. We are told: 'Don't worry. You won't be able to be prosecuted if you illegally download Game of Thrones.' But what if the media companies want to take you to court for it? What if the media companies, in a civil suit, want to go the government and say, 'I am going to issue a subpoena for all of this information that is available'? This was raised in the committee that oversaw this, and they said, 'This is a serious question, but we don't have an answer to that.' Yet we are being asked to take it on faith.

Potentially, this gives a massive leg up to every large media conglomerate who wants to sue someone for downloading Game of Thrones, and the government cannot rule that out. It has been put squarely on notice that that is an issue, and they are ploughing on ahead anyway, with Labor's full support. Although there are some agencies listed in the bill who will have access to this, the Attorney-General can add more agencies as he likes, so that the scope of who has access to this information get broader and broader.
There has not been a compelling case made that there are crimes somehow going unsolved if only we had this information. In fact, the Prime Minister gets up here and tells us about how much metadata so far has assisted in investigations. In other words, the existing laws work. The evidence has been clear that most of the requests for metadata go back only three months or so, but we are going to be required to keep them for two years. So even if you could make out a case for that, no case has being made out as to why we should deviate from the principle that you should get a warrant—absolutely none.

You expect that from the conservatives because they do not care about individual liberties and they are quite happy to take them away with the stroke of a pen. But it is surprising that the Labor opposition also has been prepared to say, 'Instead of fixing the existing system by changing it so that agencies have to get a warrant, we're just going to make sure that they can get whatever they like.' No-one has to get a warrant for anything. You just have to fill out a form to find what an ordinary Australian citizen has been doing and where they have been and who they have been talking to for the last two years, even though they are not suspected of having done anything wrong.

The European Union and the Netherlands do not go down this road, and for good reasons. You have to ask the question: why is the government taking these steps? Why is there such zeal to monitor what people do online? Going online should be a place where you are free to speak, where you are free to organise, where you are free to browse, provided that you do not break the laws of the land that you were in. It should be a place where people, free from government surveillance and are able to share their views, and it is incredibly scary to the government that such a place exists. So, what do we do? We will make sure that everyone is now subject to ongoing surveillance as if they were a suspect.

In an era where a lot of people's lives are lived online, individuals should have the right to have a digital forgetting of things that they have done in the past. I want to quote from something that the now communications minister said about this a couple of years ago. Malcolm Turnbull said:

Surely as we reflect on the consequences of the digital shift from a default of forgetting to one of perpetual memory we should be seeking to restore as far as possible the individual's right not simply to their privacy but to having the right to delete that which they have created in the same way as can be done in the analogue world.

I agree, and many other people around this country agree. The government is trashing that principle. So I am not prepared to listen to anything this government says about wanting to protect individual rights when they come here with this piece of legislation, because they are utter hypocrites, and Labor, in joining them in turning every citizen into a suspect, are also tarred with the same brush.

In that respect, I move the following amendment:

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."
This amendment should be supported by everyone in this House because these are issues that were raised during the committee inquiry into this bill. As for those who are not aware, the committee that inquired into this bill was made up just of Labor and Liberal. It is a closed shop. It recommended that the bill be passed, with some amendments, but did say there are some concerns, and these are some of the concerns that have been raised, and they are not addressed in this bill.

We have talked about journalism already. There are supposedly going to be protections for journalists but where is the amendment? We are being asked now to vote for this without any amendment being circulated so that we can test whether it is, in fact, going to do the job. The committee was also put on notice that there are questions about what is going to happen in civil litigation. There will be a mass of information sitting there about who does what and who did what when online or on their smart phone. You can bet your bottom dollar that someone who wants to sue someone else—a big company that wants to sue an individual, a company that wants to sue another company—will want to get access to that. Are they going to be able to? We do not know.

The House should defer consideration of this bill until those issues have been resolved. Anyone who cares about proper process, anyone who cares about an individual's right to some kind of privacy and anyone who does not believe that every individual should be automatically treated as a suspect should support this amendment. But even if you disagree with all of that, if all you do is agree with what the joint committee said, then you should support this amendment. You should not allow this bill to be rushed through this House when there are big question marks over the use in civil litigation. You are potentially exposing people to being sued for downloading Game of Thrones. You should not pass this bill until you have worked out what you are going to do about journalists or about data destruction. So I commend the amendment to the House, and this bill should be voted down.

The DEPUTY SPEAKER (Mr Vasta): Is the motion seconded?

Mr Wilkie: I second the motion and reserve my right to speak.

Mr Wood (La Trobe) (11:00): The Greens contribution from the member for Melbourne is very good but it is not quite what we are after. As a former member of the Victorian police force, I had the great pleasure on Monday night to meet with their current serving presidents and secretaries of all police associations across Australia. In particular, I had a great chat with the President of the Victorian Police Association, John Laird, and the Secretary, Ron Iddles. For those who do not know him, Ron Iddles is a bit of a legend in the Victorian police force because he has worked so many years in the homicide squad and done such great work. We had a conversation about the bill and about metadata. As Ron said, we have been using metadata for 20 years. As a former police officer, I have been heavily involved in using what we call metadata.

Most police detectives across the country would know about CCRs and reverse CCRs, terms which most members of parliament and most members of the public have never heard of. A CCR is a call charge record. When a person makes a phone call, there is a call charge record that identifies who they have called. And then we have a reverse call charge record, which obviously identifies who has been calling that person. The legislation in this country has required telecommunications providers to keep this information for six months. Police forces and law enforcement around the country have been using this information for years and
years. The difference now is that we are looking at changing to two years the period they have
to hold onto that information. The reason for this, when I speak to law enforcement, is the
complexity with, in particular, terrorism cases—for example, September 11. Khalid Sheikh
Mohammed was one of the instigators and planners of September 11. It was not something
that happened overnight, it was planned for a number of years. That is why police and law
enforcement need this information.

To give you an example of how valuable I personally have found CCRs, I will go back to
my time in the organised crime squad. Our unit received a file relating to drug crops
discovered at Mount Disappointment. The file came from the internal investigations
department. They had made a big investigation believing, sad as it may be, that there were
some corrupt police officers involved in this crop. Why? Because a week or two before the
special operations planned to arrest people on site, no offenders ever came back. So we got
the file. The first thing they did was supply the internal investigations department with a list
of their potential suspects et cetera. Our analyst, Tracy O’Neill, a very good analyst, went
through that list and we tried to work out potentially who could be involved in this. As I said,
we had our targets. So we started looking at call charge records to see who potential suspects
had been calling. Interestingly, a government department came up, and that was the park
rangers at Mount Disappointment. So we then looked at reverse call records for a park ranger
and found that almost everyone potentially involved had been calling him. It was at that time
that we realised he was our main suspect. What then happened was that other police tours
went on—surveillance and all those other issues. That ended up with people being imprisoned
and the breaking up of a drug cartel.

The member for Melbourne spoke about warrants. Well, I have taken out warrants for
telecommunications interception devices. It is not easy to take out a warrant. You have to
provide a hell of a lot of information when it comes to an affidavit to prove the case. The
member for Melbourne would say people are innocent until proven guilty—and I accept
that—but all the CCRs and reverse CCRs are looking at is potentially a link to whether a
person has made a phone call. Everybody should realise that their own telecommunications
provider keeps on record who you have been making telephone calls to. The difference,
especially for this, will be that the information about telephone calls is retained for two years
instead of six months.

Sadly, Australia is now in the grasp of a terrorism threat. The government has raised our
national terrorism public alert level from medium to high. The advice is based not on
knowledge of a specific plan but, rather, a body of evidence that points to an increased
likelihood of terrorist attacks in Australia. The Criminal Code Act 1995 defines a terrorist act
as an act, or a threat to commit an act, that is done with the intention to coerce or influence the
public or any government by intimidation to advance a political, religious or ideological cause
and that act causes death or serious harm or endangers a person, causes serious damage to
property, causes serious risk to the health or safety of the public or seriously interferes with or
disrupts critical infrastructure such as a power supply.

It is interesting to note that since we first wrote this speech, sadly, we have had two
incidents. We had the incident in Melbourne where police officers were stabbed by a
terrorist—sadly, a very young man who had been influenced by extremists. We also saw what
happened at the Lindt Cafe in Martin Place in Sydney. That was a classic example of putting
fear and anxiety into the public. We go back to days gone by, when in 1978, the bomb exploded outside the Hilton hotel—and that was an awful incident. Two garbage collectors, Alec Carter and William Favell, were killed, along with police officer Paul Birmistrwiw, who died later from injuries he received.

We have had other incidents such as the Bali bombings and the planes flying into the World Trade Centre, and I will just take up a point made by the member for Melbourne. He is half-right: not every criminal is the smartest criminal around. For example, in the Australian Embassy bombings in Jakarta, the video footage shows a person driving a truck laden with explosives. He actually drove around two or three times—why? Because, sadly for him and for those present, he was the mule who did not even know how to drive a car, so he drove round two or three times before crashing it.

Terrorism attacks are still occurring and, since 1978, communications have dramatically improved. The internet in all its forms plays a big part in garnering groups of radical and disenfranchised people to terrorise others. Some of their tools of terror have become more sophisticated, although the beheadings of people with a simple knife still have the desired impact. We have all seen public beheadings in the media, and it is absolutely disgraceful and tragic.

One of the roles of law enforcement is to ensure that we have all the tools to protect Australian citizens and also in the case, God forbid, of another terrorist attack in Australia to ensure that the police have the ability to track down those responsible. If you look at al-Qaeda, for example, they spend years planning most of their terrorist attacks. It is crucial that metadata is stored in this country to ensure the police have those tools.

Tragically, we now have young Australians travelling to Syria and Iraq, joining Daesh and becoming terrorists, and at least 60 of these fighters have returned to Australia. This puts great stress and pressure on police to monitor these people.

The bill we are looking at today is about metadata—and I will explain a bit about metadata. The best way to explain it is a telephone call between two people. The metadata of this phone call could include the following information: the two telephone numbers, the time and length of the phone call, and the locations of the people making the phone call. The actual conversation is not recorded. To get that information, the police must take out a warrant, and, as I have said before, in order to do this they have to go before a Supreme Court judge and write an extensive affidavit. I have sat down at the Organised Crime Squad and put these warrants together: it takes weeks and weeks.

That brings me to another point: when detectives all of a sudden understand that they may have potential suspects in a case, they cannot wait two weeks to get information. Unless this process has changed in the Victoria police, members put in a request that goes before a detective inspector, who looks at the information, why it is required and who makes the order if appropriate. At the same time, if someone is charged, it goes before the courts where everything comes out about how the police got that information.

On the internet, every machine has a unique number, just like a telephone number. The number is called an internet protocol address, or the IP address for short. For machines on the internet to talk to each other, they need to have a unique IP address, similar to a telephone number. In this case the metadata, the data on data, on the internet connected machines could
include: the two IP addresses of machines communicating with each other; the start and length of the internet connection on the machines; the location of the machines connecting via the internet; the names of the people who are allocated to the IP address of the machine; the email addresses used on the two machines, if there is email; and internet connected machine visitor logs for chat room sessions.

Metadata on chat room sessions is important because paedophile groups and others involved in terrorism go into a cyberworld where communications take place. It does not mean that everyone involved in chat rooms is going to be a terrorist or a paedophile but, at the same time, this information may be vital to a police investigation down the track, when they are looking at who has visited certain chat rooms. It gives them a start to an investigation, and that is just so vital.

The email content or subject, the chat room conversation and the input or output data to the software application, is not captured. So the conversation is not captured; just when someone has been in a chat room. It does not disclose what they browsed either. It is also important to remember: this bill expressly includes information relating to web browser activities being stored as metadata.

Summing up, Minister Malcolm Turnbull, in his second reading speech, spoke about the impacts of keeping appropriate metadata not being limited to law enforcement agencies in Australia. During the recent Europol child exploitation investigation, investigations relied heavily on access to telecommunications metadata, because perpetrators primarily shared information online, meaning that physical evidence was rarely available, and 371 suspects were believed to be in the United Kingdom. Using related metadata, UK authorities were able to positively identify 240 suspects, leading to 121 arrests and convictions. At the same time, in Germany, 377 suspects were believed to be involved, but because they did not have metadata, sadly, they were not able to track the offenders. And when it comes to issues of paedophilia and terrorism, I am sure every member in this place believes that those people should be imprisoned, and to make that happen the police need the tools to ensure that this takes place. Finally, they do already have access to metadata. It is just an extension from six months to two years. So, I fully support this legislation. Thank you.

Ms ROWLAND (Greenway) (11:15): I come to speak on the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014 with a long interest in this issue as both a practitioner and someone concerned with observing the way in which technological change is matched—or in many cases not matched—by regulation. It is true that we have crime, and new forms of crime have evolved. And the interception and access regime that we have in Australia has evolved sometimes in consequence to and sometimes in spite of different occurrences in our society. There used to be a plain differentiation between whether a matter was covered purely by the Commonwealth interception regime or by the listening devices legislation of the various states and territories. Fifteen years ago this was probably one of the most common and complex questions, and it was all concerned with voice—whether or not this particular voice communication was covered by a state or territory regime. And if we even look at the way the interception regime was enacted at a Commonwealth level, it was essentially drafted on measures to deal with SP bookmaking, which, of course, has now gone by the wayside. I think that gives you an illustration by way of background of the way in which this area of the law has evolved.
As someone who also worked in-house advising an operator on very complex issues relating to warrants and the law enforcement and access regime—in particular during a very significant incident several years ago in Sydney, which was a highly anxious time for all operators—I think it is an area in which I have had an enormous interest. And to set the scene also, I think it would be worthwhile quoting from a paper that I co-wrote in July 2008 for the Third Workshop on the Social Implications of National Security. I ended with these words:

Given that the use of warrants is already extensive in Australia, perhaps it is time to review whether the legislative framework and the associated regulatory regime represent the appropriate balance between the needs of law enforcement agencies and citizens. After all, the probable cause test is not so onerous that it could not be applied in Australia and members of the Administrative Appeals Tribunal will likely be just as available to the relevant agencies as they are for the existing warrant regime.

They were my views in 2008, and I have been consistent on a couple of points. The first is in highlighting that this is about balance, about proportionality and, in particular as we implement this regime, about oversight, about scope. I think it is also worth remembering that even when in opposition members of this government were some of the most vociferous opponents of the notions contained in this bill. The current Minister for Communications openly spoke of his grave misgivings on data retention. We had the member for Moncrieff saying:

I think that this proposal is akin, frankly, to tactics that we would have seen utilised by the Gestapo or groups like that.

Now, I do not mention that to in any way take away from the views that have been expressed in the past, and indeed with many of the reservations the sentiment is something I certainly share. But I think, where we are today, the task at hand is to improve on an extremely flawed bill that was presented by that very person, now the Minister for Communications, in October last year. And by no means do I believe that this bill is optimal. I think it has been improved by process. In some respects there have even been some positive and possibly unforeseen consequences arising from its recommendations in areas that will affect privacy, including the recommendations relating to privacy alerts. I want to make it clear that citizens, residents of Greenway—and many of them have contacted me—have been concerned about the way in which this bill may influence their rights. I have received numerous thoughtful direct representations from constituents, a broad cross-section of people—citizens who value their privacy. And the only rule that I think is possible when trying to predict technology and the interplay with regulation is: never underestimate technology.

But I do want to turn to some of the substantive issues. One of the most fundamental when I am talking about the improvements in this bill is that we now have a recommendation and supporting amendments that a dataset actually be defined, to give parameters to what we are talking about here. This was not in the original bill. There was a comprehensive series of recommendations relating to the dataset, including the most fundamental—primary—first item of recommendation here: that the bill be amended to include the proposed dataset in primary legislation. And it goes on, through recommendation 3, for example—how to declare items for inclusion in the dataset. There is even a series of recommendations that the explanatory memoranda be amended to make certain things clear. Now, why is that important? It is important of course for interpretation—extrinsic materials when looking at how these provisions will end up being applied in practice. I think that is probably the most fundamental change from the outset—to be improving on these measures.
The other issue that I think is important to mention—and it gives rise to some other substantive provisions in the recommendations—is the issue of proportionality. The committee that looks at this from a human rights perspective, the parliamentary joint committee of which I am a member, raised these questions in its initial consideration. They were very serious concerns about proportionality, particularly relating to the time for retention. I do not have entire visibility of the deliberations that occurred within the committee. What I do have to go on is the report and the recommendations in chapter 4. Looking, for example, at paragraph 4.39 where it mentions:

ASIO and the Attorney-General's Department advised the Committee that the proposed two year retention period is the result of 'extensive' engagement between the Attorney-General's Department, and law enforcement and national security agencies.

And I note in particular:

ASIO had advocated for a retention period of up to five years, however the Department concluded that the shorter, two-year retention period would be proportionate to the legitimate ends of safeguarding national security and public safety, and the enforcement of the criminal law.

There was clearly evidence also in paragraph 4.41 from the Australian Federal Police, emphasising that:

...while the majority of criminal investigations relate to relatively recent conduct, complex and serious investigations often require access to telecommunications data from a considerable time ago …

I want to stress again, that in spite of that I recognise that citizens will still have concerns about that two-year period.

I want to go to an issue that I believe will end up having substantive implications in the immediate and long term, and that this issue of costs. PwC commissioned a report estimating capital implementation of between $189 million and $319 million—that is capital expenditure. It is still unclear how smaller operators, especially smaller ISPs, will meet their obligations. I note recommendation 35, having regard to the regulatory burden on smaller providers with an annual turnover of less than $3 million, and a recommendation that the bill be amended to require all service providers to be compliant in respect of retained data with the Australian privacy principles or binding rules developed by the Australian Privacy Commissioner.

I point, in particular, to a letter from the Communications Alliance signed by the CEOs of its member companies, including Telstra, Optus and Vodafone Hutchinson, who have pointed out the need for clarity as to the government's intention to provide a contribution to up-front capital expenses that may fall on the industry following the anticipated passage of this bill. And they note:

... the Government has variously indicated it will make a 'reasonable' or 'substantial' contribution to these costs …

... … …

It is evident that the extent to which the Government's contribution falls short of the total cost to industry will determine the quantum of additional costs to be absorbed by carriers or carriage service providers or passed on to Australian telecommunications users.

This is significant for a number of reasons not only because of the potential implications for smaller operators, in many cases small businesses, and the implications for innovation; also,
earlier today we had the announcement of another red tape repeal day. On its own website this
government claims annual savings of over $2.1 billion in what it calls 'reduced compliance
costs for businesses, community organisations, families and individuals'.

The reality is this scheme will cost. Costs, which we often take for granted, are just as
important as compliance measures. I will watch this with interest. I am not alone in having
concerns about these cost issues. It was interesting to read a recent opinion piece from the
IPA, an organisation with whom I do not think I agree on much, noting, 'Communications
minister Malcolm Turnbull will preside over the largest increases in the regulatory burden
since the telecommunications market was liberalised two decades ago.' I think that is probably
right. That is exactly what Mr Turnbull said in his 2012 Alfred Deakin lecture:

Leaving aside the central issue of the right to privacy, there are formidable practical objections. The
carriers, including Telstra, have argued that the cost of complying with a new data retention regime
would be very considerable with the consequence of higher charges for their customers.

Another extremely vexed area is of course that of the implications for journalists, and the
flagged amendment on journalists and their sources. It is pleasing to see that the opposition's
intervention in this matter has led to what we hope will be positives result in this area. It is
frustrating that it has taken so long, but I will note, for example, the concerns in the
community and the sector. The head of the Internet Society of Australia, Laurie Patton, told
The Australian on 7 March, before the Prime Minister flagged his backdown on this:

There is no certainty that an effective mechanism to protect journalists and their sources can be
retrofitted if the data retention bill is passed in haste.

This will be a significant issue. It will be a significant issue even for some of the most
fundamental definitions. In the Evidence Act, for example, and we have definitions of what
an informant is and what a journalist is. Journalist means:

… a person who is engaged and active in the publication of news and who may be given information by
an informant in the expectation that the information may be published in a news medium.

'Informant' is defined separately. I am happy to stand corrected, but I actually have not seen
the amendment in its final form on this issue, but many constituents have raised with me the
issue of whether this will be a narrowly defined definition of a journalist. Will it be the same
as the definition in the Evidence Act? Considering that so many of us are participants in a
scheme where we participate in the new media as commentators, are we all active participants
who would end up being covered? Can we define this separately for the purposes of an Act,
and thereby have a different definition of journalists for one act or another? This is no trivial
matter. I see this morning Chris Merritt writing very succinctly on this issue of the
relationship between the metadata bill procedures and the shield law provisions. He
encapsulates well the conundrum of benchmarking the tests that are in the shield laws with
those already form part of the Evidence Act. He ends by saying:

Unless these requirements form part of the metadata bill, the shield law and the values championed by
Brandis in opposition will become irrelevant as authorities turn to the metadata scheme instead.

There are some positive outcomes arising from the recommendations. For example, the
original bill did not provide for individuals to access their own data. There was no provision
for the encryption of data, even though this had been recommended in 2013, and the privacy
alerts mechanism is certainly welcome.

I end by quoting one of the people who gave evidence to the committee:
The threshold proportionality issue—of whether retention of data that enables pervasive surveillance of all Australians is a reasonable and proportionate response to the threats of terrorism and serious crime—remains itself largely untested and therefore controversial … It certainly is, but this parliament will have a very important role. After this debate is finished, it is not a matter of us walking away. Parliament will have a crucial role in the operation and oversight of the provisions of this bill, which will be enacted. We will have responsibilities that I believe our citizens expect us to take very seriously.

Mr COLEMAN (Banks) (11:30): I am very pleased to have the opportunity to speak on this extremely important legislation, dealing as it does with the security of our nation—the security of the people in my electorate of Banks and across the country more generally. I start by summarising the essential question when dealing with these matters of national security: does the benefit of addressing matters of security through legislation, enabling law-enforcement officers to do their jobs better, outweigh any perceived or potential cost to civil liberties? The answer with respect to this legislation is: absolutely. That benefit far outweighs any perceived cost.

Metadata has been around for a long time. This is not a new category of information that has been created through the passage of this legislation. The central point of this legislation is to ensure that material that has been accessed historically continues to be accessed. That is the central point. This is not a regime of materially expanding the capacity of government to access metadata, it is to make sure that we can continue to access metadata in a way that enables our law-enforcement officers to stop acts of terrorism or crime before they occur. That is entirely appropriate.

It is very important to understand that under this legislation no content of any information can be accessed without a warrant. As is the case now, in order to access the content of information—be that the content of a phone call, web-browsing session or email—a court warrant will be required. A court warrant is not easily acquired and the courts, rightly, have high standards that must be met before a warrant is granted. It is also worth noting that under this legislation the number of agencies that can access metadata will reduce from the current number of about 80 to about 20, with a sharp focus on law-enforcement and terrorism-prevention agencies. This is the most important use of this material. This is sensible, measured legislation, which will help keep Australians safe. It is very important that it becomes law.

We need to back up a moment and focus on the issue of why this legislation is important now. One of the key reasons is that commercial practices in the telecommunications industry are changing. Historically, in this industry, a range of data—generated through phone calls, internet and email usage—was kept by telcos and generally kept for an extended period of time. That information was often used in things like analytics, within the business of how customers are using particular services and for billing purposes on occasion. As software becomes more and more sophisticated the commercial requirement to maintain that information reduces.

Telecommunications companies, being ultimately commercial entities, would say that if there is a cost associated with retaining this information, and if it is not essential to their commercial operations, there would be a tendency for less of that information to be retained over time. That is the essence of this legislation. What we as a government are saying—and
we are supported by the opposition—is that it is very important for this material to be maintained for up to two years. This is the material that time and again has been used by our law-enforcement agencies to stop crime and acts of terrorism and to investigate crimes after they have occurred. The ideal use of metadata is for it to pre-empt any terrorist or other action before it occurs. We also should not discount its use as a means of solving crimes after they have occurred. Both are important, but prevention is the most important.

We know that metadata works. There is very little controversy about this point. We know that metadata, on many occasions, has helped to stop acts of crime and terrorism before they occur and allowed agencies to address the sources of crime after they have occurred. The AFP said recently that between July and September last year 92 per cent of cases relating to terrorism involved the use of metadata. For 92 per cent of the time that our agencies sought to investigate potential acts of terrorism—in the most recent quarter they published—metadata was used. So we know that this material is extremely important.

One of the best examples was of course Operation Pendennis, which was back in 2005. Under that operation, agencies were able to use metadata to identify a previously unknown terrorist cell that was operating largely in Victoria and planning to stage a major attack on the MCG and other institutions within Victoria. By being able to access the metadata, agencies were able to detect a series of relationships and a series of ongoing interactions between individuals who were a known concern to them. Through the use of that metadata, they were in fact able to stop the attack from occurring and it led to significant convictions of people who aimed to do us harm. Thirteen men were convicted on terrorism charges, with sentences of up to 28 years in jail. So the attack on the MCG did not occur and those people were taken off the street, which was entirely the right thing to occur. We also have another example where the provision of a single phone number by a foreign government to Australia, expressing their concerns about a particular individual and the potential for that individual to cooperate with others in acts of terrorism, allowed ASIO to identify a cell that was indeed planning terrorist attacks. So it is extremely important information.

It is also important in the context of cybercrime and cyberterrorism. What we are seeing now, unfortunately, is a rise in the use of internet networks to breach the security of nations, including ours. Sometimes that is done by rogue organisations and sometimes it is done by states. The accessing of metadata in the context of cyberterrorism enables our agencies to detect an IP address. As we know, an IP address is an identifier which an internet service provider will be able access for different individuals at different times. Metadata analysis allows the agencies to talk to that ISP about linking the IP address to a specific individual or organisation. Once you have been able to match an IP address to an individual, you can then, through the analysis of metadata, determine who that person is interacting with online and, if any disturbing patterns emerge, seek further investigation. Of course, that is the point at which our agencies would seek warrants to conduct further investigations.

We need to understand very clearly what the information is and what it is not. Frankly, there is a lot of misguided analysis in this area, where there is not always a clear description in the media of what metadata is and what it is not. The way I think of it is that it is about the interactions between individuals but not about what actually occurs within those interactions. If a phone call is made from A to B the metadata will track that that call was made but it will not say what A said to B or what B said to A. If an individual emails somebody, the metadata
will track that interaction occurred but it will not track what actually happened inside the email. The only scenario in which that information can be provided is when the agencies obtain a court warrant for that purpose, and that is an appropriate protection. Of course web browsing is not metadata. It is very important to understand that. If somebody visits 50 websites tomorrow, the information as to what sites they visited is not metadata and is not in a form that can be accessed by agencies under this legislation. In order to access that information they would need to seek a more detailed warrant.

We know that metadata works and we know that, as a nation, we do face significant threats. We cannot pretend that is not the case. We have seen tragedies in recent times. We saw them in my own city, in Martin Place, and in Melbourne at Endeavour Hills Police Station. There is absolutely nothing to be gained by pretending that a problem of this seriousness does not exist. We all know it exists. The question is: what can the government do about it? One of the things that we can do about it is addressing this legislation.

There are significant protections in the legislation. I want to commend the Parliamentary Joint Committee on Intelligence and Security, which was so ably led by the member for Wannon. They went through this legislation in great detail over summer and around Christmas and they came back with 39 recommendations where they thought there could be certain subtle changes and improvements to the legislation. The government adopted all of those improvements. It was very pleasing to see—and is worthy of commendation—that the opposition and indeed the member for Holt, who served as the deputy on that committee, worked in a very constructive fashion with the government, so that we as a parliament can come to a largely agreed view on this legislation. That is very important, because we want to send a message to those who would do us harm that we as a nation are united in ensuring that we have the protections in place to stop them from doing what they want to do.

One of the protections in this legislation is that the circumstances in which metadata can be accessed will not change. So, effectively, what was available five years ago in metadata analysis by the agencies will continue to be available and will continue to be kept for up to two years. That is the central point here. We are not talking about a new category of information; we are talking about ensuring that the information is retained so that the commercial imperatives of the telecommunications companies do not disrupt the operation of national security.

One of the points that has been raised in the context of the commercial operations of the telcos is the cost of implementing this legislation. The government certainly acknowledges that there is a cost involved. It has been estimated at between $189 million and $319 million. That is a capital cost and, as such, is a cost that can be spread over a number of years. This is not something that would hit the profits of a company all in one year. It would be spread over a number of years, probably five to 10 years, depending on the depreciation approach the telco takes. Indeed, the government is willing to contribute to those costs. Discussions are continuing in that area.

What we can never do is allow a relatively modest cost to stop us from implementing something that is so important for the security of the nation. We have seen time and time again that metadata can be used to stop acts of terrorism before they occur. We must do everything we reasonably can to ensure that continues to be the case. By passing this
legislation, this parliament will be sending a very clear message that we are going to be very vigilant in protecting the people of Australia.

Mr WILKIE (Denison) (11:45): Regrettably, it is looking increasingly as if everyone in this place will vote in support of the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014, with the exception of the member for Melbourne and me, and perhaps one or two other crossbenchers. In other words, virtually everyone in this House is taking the position that the end justifies the means. That has in fact been made clear in a number of speeches we have heard in this place already in regard to this bill. Just about every person has jumped up and made the point that compulsory retention of metadata for two years will in fact help law enforcement and security agencies to do their work. I do not dispute that. As someone who served in the military for 20 years, including a stint in intelligence, I have no doubt that if the security services could have access for a period of two years to all of this metadata on everyone with a computer, a smartphone, a tablet or whatever it will make their job a little bit easier.

The question is: where do you draw the line? The point is that we should never let the end justify the means. During the last parliament I was on the Parliamentary Joint Committee on Intelligence and Security, which looked into this matter previously. I came to the conclusion—and without giving too much away I think a number of my colleagues on the committee came to the same conclusion—that this would be an unreasonable extension of the power of the state. That is the challenge for us in this place: to work out where to draw the line. If you said to the security agencies that you could do whatever you wanted to about any matter, I reckon they would solve a lot of matters. If you summarily executed every suspected shoplifter, I am sure we would very quickly reduce the incidence of shoplifting. But that of course is a ludicrous proposition. It would never be done, because we know where to draw the line.

But when it comes to national security we always seem to be tempted to move that line just a bit further and extend the power of the state that little bit further. That puts us on a slippery slope, because where does this end? I recall that when this was mooted a few years ago mandatory metadata retention was only to be about national security and defeating terrorism. The government at the time was very careful to emphasise that. People in this House were very aware that that was what we were talking about. But in speeches and comments made both inside and outside this place we hear about all sorts of other forms of crime. So, already, we are seeing incrementalism at play, where it is not just about terrorism. It is that we want to keep for two years the electronic footprint of every person with some sort of smart device, perhaps so that we can track them down and prosecute them for any number of offences short of terrorism.

Rather than talking about the expansion of the metadata arrangements and making them mandatory, I think we in this place should be questioning the metadata arrangements that are already in place and asking why there is already so much metadata stored without any sort of legal cover, and why the authorities are accessing it so many times without necessarily having a warrant. In fact, when I look at the figures for the last couple of years, I see that in fiscal 2011-12 federal and state security services accessed metadata 290,358 times. In fiscal 2012-13 federal and state security agencies accessed metadata 319,874 times. This was done all without any sort of legislative framework, and none of it with mandatory recourse to a
warrant. I think that is the sort of thing we should be discussing in this place. So much metadata is already sloshing around and it is already being accessed. Why should we already be allowing metadata to be searched, without a warrant, when we accept that for someone's property to be searched normally there should be a warrant. This is their property. Surely a requirement for warrants should be introduced right now.

I do not accept the comment made by a previous speaker that getting a warrant is just too hard. That is the whole point. The whole point of getting a warrant is that there should be a tension in the process—that it should be a bit difficult. The onus should be placed on the security official to make the case to a judge, and it should be a bit difficult, because we want to have that tension and make it a bit hard. We want warrants to be issued when the case for a warrant can be unambiguously made when a judge, without any doubt in his or her mind, is convinced that a warrant is necessary.

I have already made the point that I am intrigued by the incrementalism that has already crept in—the fact that this was originally all about terrorism, but now we are talking as much about paedophiles and other heinous and serious crimes. I am the first to say that we must track those people down and prosecute them. But where do you draw the line? I fear that we are already on a slippery slope and we do not know where this slope is going to take us. Before we know it, there will be this massive volume of metadata before stored and people will be making applications to access it perhaps in civil matters. What will the government of the day make of that?

I fear that eventually this will be a resource for anyone to access. That would be so far removed from the original purpose both in this country and in other countries where they have looked at metadata or mandatory metadata retention.

I have made the point that mandatory metadata retention will assist the security agencies, but I worry that in this place some members have been too quick to take at face value the assurances of the security agencies about just how much use metadata is. We know from history—we know without any doubt from history—that the most clever terrorists know what they are doing. We saw this on 9/11 when a very small group of people using innovative means carried out those shocking attacks in 2001. We know that these days fortunately most would-be terrorists are not very bright, and we are able to track them down and detect them, and take action against them. But there are a small number out there who are very clever and know how we operate. They know with these new laws that, if they come to pass, there will be ways to defeat them. It will not be hard for them to defeat them. It will not be hard for them to use foreign-based telecommunications environments to beat our laws because for them the relevant metadata will be stored in another country which we cannot access.

We also know that a large amount of the World Wide Web is not accessible normally, and it not accessible normally to the security agencies. This is where the real evildoers hang-out. This is where terrorists will sometimes communicate. This is where paedophiles will sometimes share their pictures. This is where all sorts of unspeakable things go on in places like the Deep Web—that portion of the World Wide Web content that is not indexed by standard search engines—or the dark internet, which is made up of computers that can no longer be reached via the internet. That is where we will push the real evildoers. This means that mandatory metadata retention will end up being much more a matter for law-abiding people like ourselves who are having our electronic footprint recorded, and lesser criminals...
who have not got the smarts to go to places like the Deep Web and to use facilities like the
dark internet or have not got the nous to use a foreign-based communications environment.

I worry that we will not achieve what we are trying to achieve to the full extent—even
though we will be paying the enormous price that our electronic footprint will be stored for
two years. Let us not underestimate what that footprint means. Speakers are very quick to say,
'Don't you worry about that; it will be just the fact that you made a call.' It will be a darned
sight more than that. For example, every time your phone is recorded as having a location, it
will be recorded for two years. In other words, the security services will know where every
phone has been located, while it has been turned on, for the last two years. This is an
unprecedented extension of the power of the state. I do not know that people in this House
understand the scope of the extension of the power of the state that is being contemplated in
here and likely to pass the parliament. Not even in the United States have they contemplated
such a remarkable extension of the power of the state, and most countries in Europe have
baulked at going anywhere near this because they know it is an unprecedented extension of
the power of the state. It is. I do not mean to sound overly dramatic, but it is a step towards
the police state, when all of a sudden our security agencies will have in their possession, or
access to, your electronic footprint for the last two years. They will know every time you have
made a phone call; every time you have sent an email; everywhere your phone has gone,
which presumably is on your person—quite remarkable.

When I was on the Parliamentary Joint Committee on Intelligence and Security in the 43rd
Parliament and we did look into these matters, I was quite affected by the volume of public
submissions and the breadth of public submissions. There were thousands of submissions
from all sorts of individuals and organisations, and not from your usual suspects. Mostly these
submissions were from people and organisations that should be listened to, and they were
overwhelmingly opposed to mandatory data retention. So why are we ignoring them? I cannot
fathom it. I can only assume that members of the government and members of the PJCIS in
this parliament have gone inside the tent, and when secrets are shared with you it is
intoxicating—you start to drink the Kool-Aid; you start to believe everything that is being
said. When the security agencies are asking for a cheque, you hand them a blank cheque
because you have drunk the Kool-Aid and you are believing everything they have said. Of
course they will ask for everything, that is their job. It is our job to limit what they get; to
limit it to what is acceptable to the community; to limit the power of the state to acceptable
levels.

I might have had a different response to this bill if a couple of aspects were addressed.
They will not be addressed. I have raised them before. One is that there needs to be much
more effective parliamentary oversight of the intelligence services. I think it was the member
for Greenway who was expressing some confidence in this bill because she was able to say
that we in the parliament would keep a close eye on this—we would know what is going on
and monitor it, and be able to take remedial action. I support the member for Greenway's
sentiment, but the reality is that parliament has no oversight of operational matters of the
security services. The Parliamentary Joint Committee on Intelligence and Security only has a
remit of administrative oversight of some of the security services. It is, in fact, the ministers
who have oversight of the relevant agencies. That is fine when you have good ministers, but
what happens in the next parliament, or the one after that, or the one after that, when you have
a dud minister—someone who is prepared to go just that bit further. Again, we are back on the slippery slope.

I might have had a different approach to this if we had taken this opportunity to ask: why is it that already, every year, the security services access metadata without warrants hundreds of thousands of times? That is effectively searching someone's property. There should be a warrant arrangement in place now. Surely any sort of mandatory metadata storage and access arrangement must include warrants for any access—not just for journalists but to access anyone's metadata.

Yes, that will be hard. It will slow things up. But it will ensure that the security agencies less and less unnecessarily access our property and more and more focus on the property of people who should be scrutinised. That is what is required. Again, this is a missed opportunity to give the parliament greater oversight and to put in place a warrant requirement for all access to all metadata. Instead, the parliament is doing what it does.

I hope I am wrong. I hope more than the member for Melbourne and I and perhaps one or two other crossbenchers oppose this bill. I will certainly oppose this bill. I will continue to oppose it and speak out strongly against it. I will call on a future parliament to wind it back.

Mr FLETCHER (Bradfield—Parliamentary Secretary to the Minister for Communications) (12:00): I am pleased to rise to speak on the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014, a bill which amends the Telecommunications (Interception and Access) Act and the Telecommunications Act. It contains a package of reforms to ensure the continuing investigative capabilities of Australia's law enforcement and national security agencies.

This bill has generated a fair amount of community debate. In the time available to me, I would like to make three points. Firstly, I would like to emphasise what this bill is not about. Secondly, I would like to cover what the bill does. Thirdly, I would like to respond to some of the concerns that have been raised as part of the debate and address the measures that are included in response to those concerns.

Let me come, firstly, to the question of what this bill does not do. I should say that I bring to this debate a perspective from having worked in these areas for quite a number of years. In a previous life I was director of corporate and regulatory affairs at Optus, the second largest telecommunications company in Australia, and dealt regularly with the kind of matters that this bill addresses. At Optus, as is the case at the other large telecommunications companies, there is a law enforcement liaison unit which deals regularly with the kind of matters that this bill addresses. At Optus, as is the case at the other large telecommunications companies, there is a law enforcement liaison unit which deals regularly with state and federal police and other agencies in relation to requests under the Telecommunications (Interception and Access) Act for information and content, in each case compliant with the various requirements under that act.

I want to emphasise that this bill does not provide law enforcement organisations and security agencies such as ASIO and the Australian Federal Police with new powers to access metadata. The powers that they have to access metadata are set out in the Telecommunications (Interception and Access) Act 1979, particularly in division 4 of chapter 4. There are no new powers to access metadata granted by this bill. Nor does the bill expand on the range of telecommunications metadata which the police and security agencies are able to access. Again, that is not something which is contained in this bill.
Indeed, I want to highlight just briefly some of the points made in the report of the Parliamentary Joint Committee on Intelligence and Security about the existing law in relation to police and security agency access to metadata. The report highlights the point that I have just made, that today so-called enforcement agencies as well as ASIO are permitted to access telecommunications data under an internal authorisation which is issued under part 4-1 of the Telecommunications (Interception and Access) Act. I hasten to add that enforcement agencies are defined to include the Australian Federal Police, state police and a range of other agencies, including state crime commissions and so on.

I will come to what telecommunications data includes under the terminology of the existing act before I go to the bill. Telecommunications data includes such matters as: the time, date and duration of a communication; the identifiers of the services and devices involved; certain information about the location of the respective devices, such as, for example, which mobile base station a mobile phone was connected to; and information about the parties to the communication, such as their name, address, contact details, billing and transaction information, and so on.

I want to emphasise again that I am speaking here about the current law which is contained in the Telecommunications (Interception and Access) Act 1979. This is law which has been in place for many years. It is worth bearing that in mind when you consider some of the things that are being said in this debate about what people are concerned that the bill before the House today may do. A number of the comments that have been made appear to have been made from a lack of knowledge on what the law presently says on this matter and has said for many, many years.

I also want to emphasise that this bill does not deal with the content of a communication. It deals with information about a communication, which is referred to by the term 'metadata', which we have all now come to know and love. It is referred to in the existing legislation as 'telecommunications data'. I want to make it clear that there is nothing new in this bill in relation to the scope of metadata. In fact, as I will come to, in some ways the scope is narrowed. I again want to emphasise that the bill does not change the grounds on which metadata can be obtained by enforcement agencies and security agencies.

I also want to make the point that large amounts of this data is today stored by telecommunications companies and internet service providers for their own business purposes. In the day-to-day operation of a telecommunications network, enormous amounts of information are generated. For example, each time a mobile phone is connected to a particular base station, that generates a piece of information. That information may be kept for some time or it may be kept for very short period of time. But it is information that is generated in the ordinary operation of a telecommunications network, and so are many other kinds of information. Information is generated and retained, for example, for billing purposes. All of this is done for the ordinary operational purposes of running a telecommunications network.

Let me turn, secondly, to the question of what this bill does. This bill deals with specific categories of metadata—that is, certain classes of information about telephone calls and so on. The primary purpose of this bill—and let us be very clear and specific on this, because again there has been a lot of confusion in the commentary—is to standardise the approach for how long metadata is retained. Let me make this point: today the law says, as I have sought to explain, that if the security agencies and police comply with the processes set out in the
Telecommunications (Interception and Access) Act, they can obtain metadata from telecommunications companies and internet service providers. That is not information about the content, for example, of a telecommunications call, but certain information in relation to the call—the name of the A party, the name of the B party, the time of the call, the duration of the call and so on. The law as it stands today gives those powers, but it does not impose any particular requirement on the telecommunications companies and internet service providers as to the length of time for which they retain that data. That is what is new about this bill. That is the essence of the bill before the House today: it will impose on the telecommunications companies and internet service providers an obligation, which they hitherto have not faced, to retain the classes of metadata specified in the bill for a period of two years. We need to be very clear about what this bill does do and what it does not do. A lot of the public commentary about the effect of this bill misunderstands that fundamental point.

If we come to the policy intention behind imposing this new obligation on telecommunications companies and internet service providers, it is, firstly, that metadata is a vital investigative tool. Many speakers before me have quoted the statistics as to the very high proportion of particular kinds of investigations in which telecommunications data is used—for example, in 87 per cent of child protection investigations. But at the moment the position is that the success or failure of a particular investigation by the police or the security agencies can depend upon a random factor—that is, which telecommunications carrier or internet service provider happened to provide the service which was used by the person of interest to the police or to the security agencies and, in turn, what the particular business practices of that company are with regard to the retention of metadata. At the moment, the success or failure of an investigation—which could well be an investigation into a matter that goes to the physical safety and security of large numbers of Australians, depending upon the nature of the threat being investigated—can depend upon the random outcome of which particular network is used and the particular business practices of the relevant telecommunications company or internet service provider. A desire to systematise the retention requirements is the policy purpose and intent of this bill, and it is very important to be clear that that is what this bill does. It does not, for example, change the law as to the circumstances in which metadata is authorised to be obtained by the police or by the security agencies.

Let me turn, lastly, to some of the concerns that have been raised and the ways in which the bill before the House seeks to address those concerns. I note that the Parliamentary Joint Committee on Intelligence and Security conducted a very detailed examination of the bill and presented its report on 27 February. The government said that it would carefully consider recommendations made by the committee. The report makes 39 recommendations, including the recommendation that the parliament should pass the bill, and the government has supported all of the committee's recommendations. The recommendations in the committee's report focus largely on specifying the dataset in the primary legislation instead of regulations, specifying the agencies in the primary legislation instead of regulations and increasing oversight mechanisms and privacy protections. The government agrees that the bill should be amended to include the proposed dataset in primary legislation and also agrees that enforcement agencies be specifically listed in the legislation. The bill will also implement additional oversights for the new data retention regime and particularly will significantly reduce the number of agencies that are permitted to access metadata.
The point I want to make to the House this afternoon is that, if you listen to some of the commentary, you might think that this bill creates new powers for information to be accessed, that it greatly widens the scope of information that can be accessed and that it widens the range of people who can access that information. In fact, as I have sought to explain, it makes no change to the circumstances in which information can be accessed. It will limit the range of agencies that can access information and, indeed, by giving a specific definition of metadata, it makes quite specific what the obligations will be on the telecommunications companies and internet service providers.

A key issue is the cost of implementing these arrangements, because clearly there are costs incurred in storing data. PricewaterhouseCoopers has been retained to look at this question. Evidence was provided to the committee on the conclusions drawn by PricewaterhouseCoopers, which were that the up-front capital cost across industry was going to be between $188 million and $319 million. The government has consistently said that it will make a reasonable contribution to these costs, recognising of course that the industry participants are private sector companies and that there is a public policy purpose in imposing this data retention obligation.

The government also acknowledges the reality that it takes time to put in place new IT systems and processes, and therefore the bill allows individual telecommunications companies and internet service providers to develop an implementation plan to allow a pathway to compliance over a period of up to 18 months. That is very important, because what typically happens in telecommunications companies is that there is an annual IT upgrade cycle. This will allow the relevant information technology work to be accommodated within that annual IT upgrade cycle.

I conclude by reiterating the point that what this bill is about, despite some of the confused commentary, is the imposition on telecommunications companies and internet service providers of a uniform period for which they must retain metadata. That data is already extensively retained, but the key issues are that the period for which it is retained varies materially between different companies and that there is an underlying public policy purpose in retaining data, which is to ensure that the agencies and police are best equipped to do their work of seeking to maintain the security of Australians. It is a very important public policy purpose.

Ms PARKE (Fremantle) (12:15): I rise to speak on the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014. The proposal to introduce a mandatory data retention scheme is of deep concern to many Australians and organisations, particularly with regard to its potential impact upon privacy, media freedom and freedom of expression, cost and competition.

The amendments brought about through the work of the Parliamentary Joint Committee on Intelligence and Security have done much to improve what was really just a shell of a bill presented by the government. I thank the shadow Attorney-General and shadow minister for communications in particular for their consultative approach to this issue and I also thank the individuals and organisations who have taken the time to make submissions on the legislation.

It will perhaps be a surprise to many people in the community that over 80 agencies, including local councils, can already access anyone's metadata without a warrant. To the extent that this bill imposes some limitations and oversight around this process it is clearly an
advance. It is, however, apparent that even with the amendments significant concerns remain regarding the lack of evidence as to necessity and the lack of adequate safeguards ensuring proportionality, security and oversight.

It is worth noting at the outset that the primary purpose of the Telecommunications (Interception and Access) Act, which this bill seeks to amend, is to ensure the privacy of telecommunications and to prohibit the accessing or interception of telecommunications. That purpose meets the human rights imperative identified in article 17 of the International Covenant on Civil and Political Rights, to protect from arbitrary interference a person's privacy, family, correspondence or home, and article 19, the right to freedom of opinion and expression. In protecting these rights, the Telecommunications Act has always provided for exceptions under which law enforcement and national security agencies can access data in appropriate circumstances.

We are informed this bill is needed to ensure that law enforcement agencies can keep pace with rapidly evolving telecommunications technology and services. I note the evidence given to the intelligence committee that, while preservation notices issued under the Cybercrime Legislation Amendment Act 2012 can secure information into the future, law enforcement agencies frequently require historical data. There is a concern that such data will become increasingly unavailable as service providers adapt to new technology; the term used is 'going dark'.

As per the intelligence committee recommendations in its March 2013 report, which have not been implemented by the government, what is needed is a comprehensive revision of the TIA Act and the entire interception and access regimes. This is supported by the Law Council of Australia, which in its submission to the committee noted that the bill should have been 'preceded by rigorous and comprehensive review of the alleged deficiencies in current processes and unavailability of data needed for investigatory purposes'.

In its attempt to sell this bill, the government has given the community many inconsistent messages. It claimed that the retention of and warrantless access to metadata are less intrusive to privacy than access by warrant to content, and therefore we should not be concerned. The Attorney-General and Prime Minister described metadata as akin to the address on an envelope. This view has been comprehensively debunked in many of the submissions as well as by the Parliamentary Joint Committee on Human Rights, which stated in its report on the bill:

Communications data can reveal quite personal information about an individual, even without the content of the data being made available, revealing who a person is in contact with, how often and where. This in turn may reveal the person's political opinions, sexual habits, religion or medical concerns. As the European Court of Justice has stated in its recent ruling that held that blanket retention of metadata was disproportionate, such data 'taken as a whole, may allow very precise conclusions to be drawn concerning the private lives of the persons whose data has been retained such as the habits of everyday life, permanent or temporary places of residence, daily or other movements, the activities carried out, the social relationships of those persons and the social environments frequented by them.

Indeed, the Victorian Commissioner for Privacy and Data Protection's submission quotes former CIA and NSA director General Michael Hayden as saying, 'We kill people based on metadata,' and that metadata without content is capable of telling the government 'everything'
about an individual. The Western Australian internet service provider iiNet has stated that metadata reveals even more about an individual than the content itself.

At the same time as the government has been telling the community that metadata access is no big deal and that it is not intrusive of privacy, we are informed by the government that metadata is absolutely vital to investigations. The Minister for Justice has in question time cited the example of the joint ASIO-law enforcement operation in 2005 that prevented a mass-casualty terrorist attack at the MCG, in which telecommunications data was critical. But, as noted by the Pirate Party in its submission, this case study serves to demonstrate that law enforcement and intelligence agencies already have sufficient capabilities.

Furthermore, other more recent confirmed or suspected terrorist attacks such as those in Boston, Ottawa, Paris and Sydney were committed by people already known to authorities or acting alone. The Pirate Party notes:

Thus, data retention would not have helped to pre-empt them. Resources should be directed towards current law enforcement efforts and targeted surveillance rather than placing an entire nation under suspicion and thereby diverting, diluting and distracting their efforts.

Indeed, as many submissions, including from a number of councils for civil liberties point out, the review set up by President Obama following Edward Snowden’s revelations reported it could find ‘no evidence that sweeping collection of the telephone metadata of Americans led to a single major counterterrorism breakthrough’, and a German parliamentary study referenced by European Digital Rights showed that blanket data retention would have made a difference in only an infinitesimal 0.002 per cent of criminal investigations.

On the other hand, the proposed data retention regime would ensure that police and intelligence agencies would have a large source of information with which to hunt down whistleblowers and the journalists and others, including MPs, to whom they may have provided public interest information, thus potentially having a chilling effect on media freedom and public interest disclosures of wrongdoing. Crikey’s Bernard Keane notes in his submission that ‘the Australian Federal Police has admitted in Senate Estimates that in hunting for whistleblowers it obtains the metadata of journalists and even politicians’. The Human Rights Law Centre notes that AFP Commissioner Tony Negus admitted in December 2013 that up to five MPs had been the subject of data surveillance without a warrant.

The firm pressure from the Labor opposition and a strong campaign by media organisations has prompted the government to agree to introduce an amendment requiring law enforcement agencies to obtain a warrant for access to journalists’ metadata. The Media Arts and Entertainment Alliance has objected that this does not go far enough to protect media freedom, since access to information by warrant is still access, which should not be permitted. Indeed, as noted by Bernard Keane in yesterday’s Crikey, a judge would likely issue warrants to police who claimed that laws had been broken by a public servant leaking a story. The MEAA says that such data could be used to capture the communications between a journalist and a source and, once that is known, the other tranches of national security legislation, particularly National Security Legislation Amendment Bill (No. 1) 2014 can be used to jail both the source and the journalist for up to 10 years and to tamper with the media organisation's computer network.

I share these concerns about the unacceptable threat to media freedom from this suite of national security laws. The Law Institute of Victoria and the WA Law Society have also
pointed out the danger to legal professional privilege of the warrantless access regime. One of the reasons the EU Court of Justice found the EU data retention directive—on which this proposed scheme is modelled—to be invalid was that ‘it does not provide for any exception, with the result that it applies even to persons whose communications are subject...to the obligation of professional secrecy’.

The requirement to force ISPs to retain, and in some cases create and store, data for two years in advance of the telecommunications sector security reforms is, in my view, putting the cart before the horse. The issue of where data will be stored is a matter of concern to many Australians, including notably the Director-General of ASIO David Irvine, who this week described himself as a 'cyber nationalist' and said he would feel much more comfortable with data governed by Australian law than law by some other country. It is significant I think that another of the reasons that the EU Court of Justice ruled the EU data retention directive invalid was because it did not require data to be stored in the EU.

The Australian Lawyers for Human Rights has noted that the bill 'outsources' compliance to private companies. This arrangement unfairly imposes an enormous cost, which will be passed on to consumers, will have anti-competitive results as it is likely to drive smaller operators out of business and unfairly penalises companies with eligible infrastructure in Australia as against overseas companies.

The government has indicated it will pay 'a substantial share' of the cost of implementing this regime and the Prime Minister has named a loose figure of $400 million. An amendment to the bill provides that the Commonwealth 'may' make a grant of financial assistance to a service provider to assist with compliance under the scheme, but this discretionary provision is unlikely to give comfort to service providers that their costs will be covered. Whether it is via taxpayers or costs passed onto consumers from service providers, it is clear that Australian citizens and businesses are expected to pay for their own surveillance, as well as any damage that may result from the inevitable misuse of metadata or unauthorised access to such data.

A number of submissions also noted that the massive 'honey-pot' of data that the legislation will require business to create and retain under the legislation could in fact be a magnet for cyber attacks. The Law Council notes that the bill does not provide a minimum set of standards for government agencies and service providers to ensure storage and security of telecommunications data; it does not require data to be stored in Australia; nor does it require the destruction of stored metadata at the expiration of the two-year period, unlike the requirement for information obtained pursuant to a warrant which must be destroyed when no longer required for the particular purpose.

The sweeping scope of the data retention scheme, together with the permissive nature of the access regime, presents very real risks to the rights and freedoms Australians are entitled to expect. The UN High Commissioner for Human Rights concluded in her July 2014 report on the right to privacy in the digital age that mandatory third-party data retention is neither necessary nor proportionate.

The Human Rights Law Centre observed that:

… the absence of a warrant or other independent authorisation process prior to access and use of the stored data gives rise to serious concerns regarding the propriety of the access and use.

The PIC on Human Rights and many other submissions to the Intelligence committee recommended that access should only be granted on the basis of
…a warrant approved by a court or independent administrative tribunal, taking into account the necessity of access for the purpose of preventing or detecting serious crime on defined objective grounds.

The government has made much of the need for data retention laws to enable law enforcement and national security agencies to identify people involved in serious crimes, such as child pornography, and those who present a serious threat to public safety. Yet there is no requirement in the bill that access to metadata may only be for the purpose of investigating serious crime or national security matters. Police forces gave evidence to the committee that metadata is used primarily in general crime investigations, rather than for serious crimes, which account for only around two per cent of the cases of access to metadata.

The AFP Commissioner has even conceded the information could also be used to investigate copyright infringement. While the amendments made to the bill as a result of the intelligence committee recommendations generally preclude disclosure of information for civil litigation purposes, including by way of subpoena, they do not address a requirement imposed by a court on an individual to disclose information under the rules of court or an obligation of discovery and inspection.

I am also concerned about the ability of the Attorney-General under this bill to make declarations as to items for inclusion in the data set, additional classes of service providers or additional authorities as law enforcement agencies, as well as regulations providing for exceptions to the prohibition on disclosure of information for civil litigation purposes. In my view the period of 40 sitting days—approximately six months—before the Attorney-General has to bring a bill before the parliament, or the declaration or regulation lapses, is too long.

The final issue I want to raise is that of the oversight provided in this bill. Under the bill the Commonwealth Ombudsman is charged with responsibility for oversight of law enforcement agencies’ use of powers and the intelligence committee is to do a review of the scheme two years after the conclusion of the implementation phase. These are worthwhile measures, but they are directed at reviewing access powers after they have been exercised. The Ombudsman's oversight does not extend to the use and handling of data by the service providers required to retain the data. Furthermore, there has been no watertight assurance by the government that the Ombudsman will receive the significant additional resources needed to carry out the oversight function. As mentioned earlier, an independent warrant process for access to the stored data would constitute a greater safeguard and provide some measure of reassurance to the general community.

In short, this bill, which has been introduced with too much haste and too little concern on the government side, proposes a quantitative and qualitative expansion of data retention and access over the private communications of millions of law-abiding Australians. There should have been a comprehensive review of the data access regime, including the question of whether any warrantless access should continue to be allowed at all. These and other issues around security and storage of data, and oversight mechanisms, should have been investigated before this bill was embarked upon. Such legislative change—with implications for fundamental rights of privacy and freedom of expression and media freedom as well as the significant implications for businesses—should only occur very carefully, and with the utmost rigour in its design. Unfortunately, notwithstanding the best efforts of the Labor opposition and many others outside the government, that is not the case with this bill.
Mr SIMPKINS (Cowan) (12:30): I welcome this opportunity to speak today on this bill, the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014. It was very long time ago that I was a member of the Australian Federal Police and at that time, in the mid-eighties, there was not a whole lot of talk about metadata or digital communication. The sum of the high-tech investigations at the time was in the early days of credit cards: where a card was put under a three-ply sheet of paper, the swiping machine was run across it, and then people had to sign it. And when they had signed that piece of paper, they put their thumb on the corner of it and pulled out their copy—from the middle of that three-ply piece of paper. The reason I am talking about this is that lots of people who were up to no good—with credit card fraud, and things like that—were subsequently caught, because that piece of paper offered a brilliant thumbprint of the person who had used the credit card. Those were the high-tech days of the past! But of course, time has moved on—with credit cards now, you pretty much just type in your four-digit PIN, and that is all you have got. But in those days there was no concept of metadata or of digital communication. Obviously, things have changed a lot.

More needs to be done. There are serious circumstances now: we have terrorism; we have child exploitation, and crimes against children in general—and so many of the most serious crimes in society around the world are now directly linked through the internet and through digital communication. We need to step forward and look for other ways of investigating, and it is through metadata and through looking at digital communication that this action takes place—and many serious investigations now use metadata that already exists.

Before I turn to the bill—and I do not intend to speak for a long time on this bill; I do not intend to go through each minute detail of the bill or anything like that, because that has already been covered on so many other occasions. But, after listening to the member for Fremantle, I would make the observation—and I know that she has passionate views about this and I respect passion—that it is amazing how she could speak for 15 minutes about the problems—according to her—with the bill, and then at the end of the day say, 'we will nevertheless support the bill'. I sometimes wonder about the courage of our convictions in this place: if you stand up here and you disagree with something, have the courage of your convictions to vote against it. But, of course, there are problems on the other side with that technicality.

This bill is all about data retention, and about how the retention of data can assist law enforcement and the security agencies of Australia in their investigations. This bill is not about keeping more data, but about retaining the data for longer. Through this bill, if passed, the carriers and the internet service providers will be required to keep a prescribed set of telecommunications data for a period of two years. The situation is concerning—and I am not talking about this bill but the reasons why we need this bill. There is a threat; there are those that are planning terrorist attacks. The opportunity to access metadata up to two years after it was generated is essential. There has been a lot of misinformation over the last year about this metadata. It would seem that the opportunity for the police and the national security agencies to access metadata is somehow a new concept. This is wrong, of course; they have that opportunity now, and they will have that opportunity in the future.

Metadata is, in the most basic sense, a communication, but not the actual content of the communication. As the Prime Minister and other ministers have said, metadata is a vital
investigative tool in police investigations of serious matters; not just in the investigation of terrorist activity and planning but also in the identification and investigation of child abuse crimes and organised crime. Clearly the need is for ASIO and our police to be able to access metadata so that crime in many areas can be attacked and dealt with. The trouble is, with increasing technology, the telecommunications companies can conduct so much of their business without retaining metadata for long periods. This means that government must now act to ensure that the investigative asset which is metadata is not lost as a result of these technological advances. This bill sets the time frame as two years.

The main issue of opposition to these laws is—as I said before—the false belief that metadata access is somehow new, but obviously it is not. The second issue of interest that has been raised is protection for journalists, or rather, protection of sources, because no-one would really suspect that journalists would be likely to be involved in any of the crimes we have spoken about. Interestingly, metadata can currently be obtained without a warrant, even with regard to journalists. It is only through this process and through the recommendations of the Parliamentary Joint Committee on Intelligence and Security that the need for a warrant in the case of journalists has been added. So this is a good thing; it will improve the freedom of the press. I say again: this requirement is not currently there. There should therefore be greater support for this bill, because it adds more protections.

As I said before, it is not merely my intention to restate the details of the bill that the minister has already laid down in his second reading speech and that others have also talked about. I would like to pursue a related matter—a matter for the future, perhaps. It is well known that one of the great challenges to our efforts to combat the Daesh extremists in Australia is the slick social media that they put out. It is also true that the tweets and the Facebook posts are encouraged by Daesh, and that influence reaches to the smartphones and out into the homes of Australia. They might influence those that might be tempted by what these murderous extremists offer. The sadism, the paedophilic tendencies and the other evil that lurks in the deep darkness of the souls of some people can be attracted to what Daesh offers. It is bizarre that the worst in human nature and the incomprehensible for most of us can actually inspire others.

To combat this, I believe that it should be a criminal offence to share Facebook posts or tweets, or other social media, of those that are part of a prescribed terrorist organisation or those that support or promote such an organisation. By this, I mean that if a person is a Facebook friend with a person that displays an IS flag, or is in Syria or Iraq with IS or al-Nusra, or with Hamas in Gaza, or with other such terrorist groups, and they receive a post, to share that post should be an offence. To retweet a tweet from such a person should also be an offence. That is what I would propose. Obviously, a defence to such an offence would be where the social media is forwarded to the police or an Australian security agency.

Again, it is not my intention to merely restate what has been stated already about the details of the bill. But, in conclusion, I will say that this bill is about preserving our security and law enforcement capacities. It is also about requiring that existing and accessible metadata be retained for two years. This bill initiates protection for journalists that does not currently exist and ensures that metadata is strictly and properly controlled. As someone who believes in every aspect of this bill and in every aspect of the need for this bill, I completely and utterly endorse the bill as it is and I look forward to its passage through the parliament.
Mr GILES (Scullin) (12:39): I rise also to speak on the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014. Debate around this bill is very important. It concerns challenging and complex legislation that raises some fundamental questions. How do we, on the one hand, enable effective law enforcement, while, on the other hand, preserving the foundations of our democracy and safeguarding privacy?

The bill the government introduced to this House in October of last year failed to satisfactorily grapple with these questions. I could not have supported it and I hoped that this House would not have supported it in that form. Now, on balance, as a consequence of the considered and firm approach Labor has taken to this legislation, and the hard work of the members of the Joint Committee on Intelligence and Security, I am persuaded that I should support this legislation, subject to the many amendments arising from the committee's report and those additional matters proposed and outlined by the shadow Attorney-General in his contribution to this debate.

In my view, however, there are significant matters that remain outstanding, particularly in respect of oversight. I again echo the contribution of the shadow Attorney-General in talking to what have been described as the Faulkner reforms, which would elevate to a more appropriate level parliamentary and democratic oversight of the operation of our security agencies. That is, of course, only a small part of the remit of this legislation, but, in my view, it is a critical piece of unfinished business for this parliament to attend to.

Let us be clear in having this conversation about the circumstances that this legislation is concerned with. As the member for Fraser said at the start of his contribution earlier today, with any law we must start with the status quo—as this government did not in October last year and as some who continue to oppose this legislation, or any such legislation, do not. As we speak today, a vast amount of data is retained by telecommunications companies. This information is, in large volume, being accessed by a wide range of law enforcement agencies. Last year, we understand that over half a million applications were made to access metadata. This, of course, represented a very significant increase on applications made in the previous year. This legislation, this debate, does not arise in a vacuum.

The data that is retained is not in a standard form, nor is it kept for common or standardised periods of time. The bodies accessing the data right now are not just police and security agencies. They include local governments and, indeed, the RSPCA. As we are having this debate, this area is effectively unregulated and without any meaningful oversight. We know very little about the use and, indeed, the misuse of such data—a very important point made by the member for Blaxland in his contribution. This is the problem we are trying to solve, or the problem we should be trying to solve, through this legislation and this wider debate. This should have been the starting point for this conversation. Should we seek to regulate these activities and, if so, how? What safeguards should we seek to introduce? What balances should we strike? I believe that we should be regulating both the retention data of data and the question of access.

As the member for Isaacs has noted, this bill differs in several important respects from the national security laws that were supported by Labor last year. This bill is not primarily concerned with national security. Evidence presented to the joint committee made clear that telecommunications data is used in law enforcement of all kinds, and that counter-terrorism and counter-espionage make up only a very small proportion of this data use in Australia.
majority of requests for access are made by state and federal police for general law enforcement purposes. The data retention regime, as set out in this bill, is not specifically directed towards current national security concerns. This is a point that must be stressed. Rather, the scheme proposed provides for the retention of certain telecommunications data generated by all Australians who use the internet or a mobile phone.

This bill, as I said earlier, raises difficult and complex questions, as the Attorney-General demonstrated in one of his media contributions. Fundamentally, we are considering questions of balance, not absolutes. That is another point which has been insufficiently stressed here by government members and, indeed, by some of those opposed to any regime of this type. Across the provisions of this proposed legislation, we must be prepared to run the ruler over their efficacy to maintain security and lawfulness, on the one hand, and to weigh this against infringements on privacy on the other. It is important that we consider questions of process here. This bill was introduced in the House last October. It was not in a state, as I said at the start of my remarks, to be properly dealt with, much less passed. The process undertaken at some length by the joint standing committee makes this abundantly clear, and I take this opportunity to acknowledge the work of the members of this committee—all of them but in particular the Labor members. Their report is comprehensive and I certainly found it helpful in considering my response to this legislation.

I say again: the retention of very large volumes of telecommunications data by private companies has been occurring in Australia for many years in a largely unregulated manner. This data has been accessed under the current act by a large number of agencies hundreds of thousands of times at least. This is something that has not been greatly appreciated by the general community, and this lack of understanding clearly extends to members of the government, which is not helping an informed debate. The Attorney-General has clearly been out of his depth in these matters. This has raised community concern about the supposed powers in this bill, the cruel irony being that the majority of the security agency powers that people have contacted me about are already in existence.

I am concerned, like many other speakers on this side of the chamber, about the implications of this legislation on the media. I am not convinced that it is appropriate that we should be waiting to move to address such concerns, which go to the heart of how we enable, or facilitate perhaps, truth to be spoken to power. I note that the government has had to be dragged kicking and screaming to provide any such protection, thanks to Labor's resolve on this issue, but this is worrying and it is also telling. It depicts a government in the thrall of security agencies and one that has had seemingly very little regard to other sources of information. Of course it is vital to pay careful attention to what these agencies say, but this cannot properly be to the exclusion of all other voices. The fact that Labor has had to close so many loopholes, like protection of whistleblowers, is evidence of this government's slapdash approach to legislating on these critical questions. Labor keenly await the government's amendments in the Senate and we will make sure the government is held to its reluctantly given agreement to our warrants proposal to protect journalists, journalism and sources.

Due attention must also be given to the question of how data is preserved, and this is a matter that remains outstanding. In large part, of course it is the case that assurance in this regard turns on the question of where data is stored. If this were to be solely a question of cost, it is obvious that ISPs would choose lowest cost options—that will be the market simply
doing its work. But how secure would this data be? In this regard, I note comments reported in The Australian Financial Review by former director-general of ASIO David Irvine, who voiced strongly held concerns about where Australians’ data would be stored. Mr Irvine makes the perfectly sensible point, in my view, that this bill does not presently require the onshore storage of data but that it should, describing himself as a ‘cyber-nationalist’, as I think he should be and we should be in this regard.

It is clear, however, that the government does not have any meaningful answer to this proposition, and why would it? It has not sought to ask this question. Indeed, this bill is silent on the important related process of telecommunications sector security reform, a process commenced under Labor, underlining our strong record in seeking to protect people's personal information across a range of policy areas. Consistent with this approach and these principles, Labor will continue to articulate the case for this data to be stored in Australia. I note also on these points that Labor has argued for the bill to be amended to impose stringent standards for data security, and I am pleased that these arguments were accepted by the committee, which recommended a requirement for stored data to be encrypted. Labor has also pressed for a recommendation that a scheme of mandatory data breach notification be introduced so that anyone who has had their data compromised is informed of this breach and so is placed to take appropriate measures to respond and to protect their privacy.

The question of who pays for this data to be stored, wherever that may be, is, of course, a question the government has been reticent about, but it is not sufficient for consumers to carry the costs of the implementation of this regime. The original bill was silent on who would bear the cost of the scheme and the government refused to release the cost of the scheme. Through the work of the committee, Labor has insisted that the government bear the cost of the scheme. Business and consumers—small business in particular—should not have to bear solely the cost of law enforcement or, indeed, national security operations. Labor has demanded that the government consider the interests of competition in small business in structuring their contribution to industry. This scheme should not—indeed, must not—harm the interests of small ISPs. It should not entrench the market dominance of major players. Labor has also made sure through this process that members of the public are informed of the cost of the scheme. We have insisted the government release the cost figure ahead of the parliament's consideration of the bill.

As my contribution, I hope, has made clear, I am far from being opposed in principle to implementing a mandatory data retention regime. Indeed, I am persuaded, having carefully read the report of the committee, that such a regime is warranted, for a variety of reasons, of which national security is only one. For example, and importantly to me, the ACCC and the Australian Securities and Investments Commission require access to metadata, in my view, to build their case against those whom they suspect of insider trading. So Labor has moved to enshrine their access for this vital law enforcement purpose.

Having said this, though, we should be much clearer about the purposes for which this regime is to be introduced. Only in this way can we be assured and assure our constituents that it is appropriate in all respects and strikes the correct balances—and we should take the time to get it right.

These laws were introduced with unseemly haste under the auspices of national security, but their remit goes much, much further. This should give pause for thought for all of us, as it
did for all of us on this side of this chamber. Labor recognises, for instance, the world of difference between someone downloading the latest episode of *Vikings* and someone plotting a terrorist attack. On this, the words of the shadow Attorney-General, the member for Isaacs, bear repeating:

The bill as introduced by the government would have allowed access in ordinary civil proceedings to private information retained under the regime for the purpose of national security and criminal law enforcement. This could have led to serious intrusions into the privacy of individuals by civil litigants for purposes entirely unrelated to the reasons for which the data retention regime is being established. To respond to this problem, Labor argued for and the intelligence committee recommended amendments to ensure that retained telecommunications data cannot be used for civil litigation purposes, including enforcement of copyright claims.

I pause to say that this is a matter that the member for Melbourne might have considered in his contribution.

Exceptions to this prohibition will be able to be made by regulation. The government has proposed amendments to give effect to this recommendation.

As with the issue of whistleblower protections, we keenly await the government's formal response. Time is available, and we should make use of it. We should not forget that successive governments have already given security agencies a wide range of powers. As the review into the Martin Place siege found, these powers had been used to monitor Man Haron, the perpetrator of this attack. This is really an indication that these powers will not always prevent such attacks. We should be up front about this. The Martin Place siege review recommended that we should broadly maintain the current balance in our existing regulatory and legislative framework.

With the limited time available to me, I note, firstly, that there are a wide range of important aspects of this bill that I have not had the time to consider; but I say this: there is genuine community concern about this bill. To the extent that people's fears are well founded in the community, I believe the Labor Party has played an essential role in listening to and acting on this community response. But the response on the part of all of us in this place cannot end with this debate. There are outstanding matters that we need— *(Time expired)*

Mr TEHAN (Wannon) (12:54): I stand today to speak on the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014 not only as the member for Wannon but also as chair of the Parliamentary Joint Committee on Intelligence and Security. I would like to talk about a few things today just to be clear about the process which has led to us being here today. I would also like to talk a little about the process that has led to some members putting forward amendments—I would call them pious amendments—the recommendations that the committee has made, the environment we are dealing with currently and why this piece of legislation, which is before us today, in my view, needs to be passed.

The committee took its time in considering this legislation. It considered every significant, important matter that this bill brings before this place and has dealt with it in a very systematic way. I would like to take this opportunity to commend all members of the committee who participated in this inquiry—the five coalition members and the four Labor members. Everyone who was involved in the committee process acted in very good faith and in a truly bipartisan way. I think it is significant for this parliament that, when it comes to
issues of national significance, we can act in a bipartisan way. It is reassuring to the Australian community and the Australian people that when a bill like this comes before us, which deals with national security and individuals’ rights, we can consider it in a way which brings all those concerns together and to put in place a piece of legislation which I think makes this nation safer but at the same time also puts in place greater protections than there are currently. The way the committee has been able to do this, I think, has been very, very significant.

It is why I have found the contribution of the Greens in this place, and in particular the contribution of the member for Melbourne, so disappointing. For the member for Melbourne to suggest that the data retention regime is being put in place without safeguards, sadly, shows that he is on a completely different planet. In an example that he gave, he said that it was like watching his dog play chess. It was a tiny bit enlightening because, obviously, he has spent far too much time watching his dog play chess and not bothered to read the committee’s report and consider, in particular, the evidence that was received by the Australian Federal Police, other law enforcement agencies and our national security agencies.

This debate brings together two important elements, and I think that not to consider one of those elements is concerning, worrying and, as a matter of fact, downright disturbing. I would say to the Greens that, when it comes to considering this bill, there are serious national security implications that are involved and you should consider them, not just turn a blind eye.

Having got that out of the way, I would now like to turn to what the committee recommended when it considered this legislation. The data retention bill will implement a mandatory telecommunications data retention regime. It contains measures to require telecommunications suppliers in Australia to retain certain data for two years, with web-browsing history and the contents of communications excluded. It does not involve the storage of content. The bill also seeks to limit the organisations able to access telecommunications and store data to those with a demonstrated need and with appropriate internal procedures to protect privacy, and expands the role of the Commonwealth Ombudsman in overseeing the exercise of these powers.

The report recommends that the bill be passed by the parliament and makes 38 further recommendations aimed at strengthening the regime and improving oversight and safeguards. These include: including the proposed dataset in the bill rather than in regulations as proposed; listing all criminal law enforcement agencies and enforcement agencies in legislation; establishing emergency declaration powers, subject to safeguards, for the Attorney-General to include items in the dataset, or declare an additional agency able to access data; prohibiting civil litigants, with appropriate exceptions, from accessing telecommunications data being held solely in compliance with mandatory data retention requirements; and strengthening the safeguards around the use of telecommunications data for the purpose of determining the identity of a journalist’s sources by requiring agencies to provide a copy to the Commonwealth Ombudsman or the Inspector-General of Intelligence and Security of any authorisation for access to such data. The Ombudsman or the IGIS would then be required to notify the committee as soon as practicable and provide a briefing accordingly. This was a major safeguard when it came to the media. We have now, as a result
of further bipartisan work between the two major parties, sought to put an additional safeguard in place by requiring a warrant.

There is also additional funding for the Commonwealth Ombudsman, commensurate with the office's expanded oversight role. Not only have we given increased oversight powers to the Ombudsman; we have also agreed that he needs to get more funding. Privacy and data security measures, including a mandatory breach notification scheme, will also be introduced.

The committee recommended that the government make a substantial contribution to the up-front capital costs incurred by service providers in implementing their data retention obligations. The committee also recommended that, when designing funding arrangements, the government ensure that an appropriate balance is achieved that accounts for significant variations between the services, business models, sizes and financial positions of different companies. This was something that the previous speaker spoke about. The committee has sought to ensure that both the small end of town and those larger providers are taken into account when it comes to how those capital costs contributions will be rolled out.

There are other aspects to what was agreed—and this is important—including when it comes to the proposals which were put forward by former Senator Faulkner. The committee has agreed, and this is of particular significance to parliamentary oversight, that the committee be able to look at operational matters in the limited area of authorisation of access to telecommunications data relating to ASIO and the AFP, consistent with the committee's remit. This is the first time that the committee will be granted those powers. This is a significant recommendation, which has been agreed to by the government and which goes a huge way in increasing the remit of the committee. That is the seriousness with which this government has taken the bill before us.

We received more than 200 written submissions from a broad range of sources and heard from 30 organisations over three days of public hearings. The committee's report also built on previous work done by this committee in the previous parliament. I commend the deputy chair of the committee, Anthony Byrne, for the role he played in that preliminary report, which was produced by the committee in the previous parliament. It has very much led a path to where we are today. So when others talk about a process which is being rushed, that is utter, utter nonsense. This is a process which has been to a committee in the previous parliament, the government has put legislation to this parliament, the committee has further looked at that and made further recommendations, and that is why we are here today now looking at and examining this bill.

This has been an extended process and an extended bipartisan process and one which all members of this place, in my view, should commend, particularly given the current security climate that we are operating within. For the first time in its 11-year history we saw the national terrorism public alert system raised to 'high' last September. There are 90 Australians known to be fighting and supporting terrorist groups in Iraq and Syria. Over 30 have returned to Australia. At least 140 people in Australia are actively supporting extremist groups. Since December 2013, 24 people have been charged as a result of seven joint counter-terrorism team operations.

Metadata is important in dealing with these threats. Operation Pendennis was a joint investigation between the AFP and ASIO and state law enforcement agencies in New South Wales and Victoria into terrorist cells based in Victoria and New South Wales. It was the first
serious counter-terrorism investigation prosecuted in Australia. As a result of the investigation, a total of 13 individuals were charged in Victoria with a variety of terrorism offences. A further nine individuals were charged with similar offences in New South Wales. A number of trials were subsequently held in Victoria and New South Wales. The Victorian trial of 13 individuals for membership of a terrorist organisation concluded in 2009 with seven accused found guilty, two accused pleading guilty and four accused acquitted. Historical data was a crucial tool supporting the investigation and was used to identify a covert phone network that was being used in New South Wales in an attempt to conceal illicit terrorist planning activities from law enforcement.

We have to take these things into consideration when we are dealing with these matters. I understand, and the committee understood, the importance of getting right the privacy aspects of this bill and other individual freedoms that potentially could have been challenged. But we also had to take into account the evidence that was put to us by the AFP and ASIO. My view is that the committee has got the balance right. My view is that this legislation, with the recommendations and the amendments that have come before it as a result of the committee’s work, ensures that we have got the balance right. This bill should now be passed by this House and it should be passed by the Senate and should become law.

Ms BUTLER (Griffith) (13:09): The Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014 demonstrates, to my mind, just how disorganised and hopeless this government has been, in its first year particularly, as the government. The Attorney-General was a member of the Parliamentary Joint Committee on Intelligence and Security in June 2013 when it published its report into national security, which considered in some detail whether there should be a mandatory data retention regime. What we have had in this country for a very long time is a situation where telecommunications companies store telecommunications data, like the phone numbers you call, the location you were in when you made the call, the location that the recipient was in when you made the call, the location that the recipient was in when you made the call, and how long you spoke for.

In 2012-13, there was 330,000 warrantless accesses of that data. In 2013-14, that had grown to 500,000 warrantless accesses of that data. Yet, did the Attorney-General see fit to act on the idea of looking at better regulation for data retention when he was elected? He spent more than a year before even getting a bill into a position where it could be brought into the House. What was he doing in that year? Was there some other issue that was so important that we could not possibly be talking about data retention? I know what he did in his first year as the Attorney-General. He decided to tinker with hate speech laws. He decided to try to take away protections for people from hate speech. For some reason, the Attorney-General thought that that was more important than working on the regulation of data retention in a situation where we have had massive amounts on warrantless accesses to people’s telecommunications data with very limited regulation. The state that this bill was in when it was first introduced suggests to me that he spent no time at all in that first year worrying about data retention, because the bill itself, when he finally got around to thinking, ‘We should do something about data retention,’ and rushed it into the House, was in a completely ridiculous state that could not have been supported.

It took the Labor Party to insist on a time frame for appropriate consideration, for appropriate review and for appropriate consultation. It was our insistence that got that time,
that allowed for the many organisations to have the proper opportunity to make submissions, to review the legislation and to lobby their members of parliament. What level of revision was needed? To the extent that we have pages of amendments, we have further amendments to come and we had 38 recommendations from the Parliamentary Joint Committee on Intelligence and Security required just to get this bill into a state where it could be supported, I have to say that when I first read the bill I had a number of concerns, and why not? This is a very complicated issue.

There are so many competing considerations for us to take into account, considerations like the importance of law enforcement in this country and the availability of a tool for law enforcement to crack crimes such as murders, kidnappings—those serious offences—and the availability of telecommunications data to assist in those investigations. On the other hand, there is also an importance in people being able to use this data themselves to help them with their own legal rights. For example, if you need to prove that you were in a particular place, then this might be very helpful in legal proceedings. So people need to have access to that if it is available as well. On the other hand, again, there are cost considerations. This government has been finally dragged kicking and screaming into telling Australians what the costs of this legislation will be, but it took Labor to force them to do that. It took Labor to force them to even undertake the costings in the first place, which had not even been done when this bill was tabled. It was in the months since the bill was tabled that there was some costing work done. The human rights aspects of this bill and of the existing data retention scheme are vastly important. The existing data retention scheme has been around for many years and under it there are many warrantless accesses—in fact, there are hundreds of thousands—every year. Those human rights issues, like privacy, are of fundamental importance to this nation and to any nation that claims to be a modern, democratic nation where people have appropriate respect for human rights.

There are a range of other competing considerations. There is the consideration of the effect on competition when smaller ISPs have to scale up their operations in order to meet the proposed data set. In fact, the data set itself was not even settled when this bill was introduced. It was not even in the bill. There was an idea that it would just be done by regulation. The ridiculousness of that speaks for itself. To say 'we're going to have a mandatory regime where everyone has to do retain the same data but we can't tell you what data that is going to be' suggests to me that this government is yet again being shambolic, disorganised, chaotic. And what have we seen this year? They are too busy fighting amongst themselves, too busy fighting over the leadership. Luckily for this government—and, more to the point, luckily for the people of this nation—the Australian Labor Party has reviewed this bill and has forced this government to take appropriate steps to make improvements to this bill, which I will touch on.

Before I do that, I want to join with others in this place and express my thanks to the Parliamentary Joint Committee on Intelligence and Security. I acknowledge the chair of the committee, who has spoken in this debate previously, and also the four Labor members of the committee—members Byrne, Dreyfus and Clare, and Senator Conroy. Each of those four has made a phenomenal contribution to moving this bill from being shambolic and unpassable to being a bill that will now seek to improve the regulation of the existing data retention scheme in the interests of Australians.
Those of us on this side, who are being thoughtful and considered about this bill, have raised issues about cost and privacy and the appropriateness of use for law enforcement purposes and about oversight and about data security. It is our advocacy that has forced the improvements in this bill. Despite the impression that some people have been trying to give, the parliament is not considering a choice between introducing or not introducing data retention. Data retention has been happening for many, many years. The choice is not whether we should have data retention, but whether we should better regulate data retention in the interests of human rights and other issues I have already mentioned. In addition to recording my thanks to the committee, I want to record my thanks to Bill Shorten, the Leader of the Opposition. It is his advocacy, his interventions, that has forced the Prime Minister and the government to give further time for consideration and to agree to further improvements. Most recently it was the Leader of the Opposition who procured from a very reluctant and begrudging Prime Minister a commitment to introduce protections for journalists. We think it is very important that the Prime Minister and the government provide their amendments so that, once they are considered in the Senate, we can properly scrutinise whether that commitment is being met in a way that appropriately meets the needs of journalist.

The Leader of the Opposition has strongly recommended to the government that they consult with media organisations about those amendments and about the content of those amendments. I know that is a new idea for this government—to actually consult with stakeholders—but we would like to see appropriate consultation with media organisations when it comes to how best to protect journalists and ensure that we do not see the chilling effects that journalists and the Media, Entertainment and Arts Alliance have raised in respect of their concerns about this bill. We also have other concerns that we continue to raise. One is a concern that Labor shares with the former head of ASIO, David Irvine. David Irvine was recently in the media talking about where the data is to be physically stored. This is something that we continue to raise and advocate for. Like Mr Irvine, we are 'cyber-nationalists' in that we believe Australian's metadata ought to be stored on Australian soil—and we will continue to advocate for that.

A very significant matter on which we continue to advocate is the Faulkner reforms, which are named after Senator John Faulkner. As the shadow Attorney-General said in his contribution in this debate, it was Senator Faulkner's view that the parliament is the body to which security agencies are accountable and, therefore, the parliament should have a formal oversight role in respect of those agencies. If you read the amendments to this bill, you will see that one of the changes we have procured is to increase parliamentary oversight of national security agencies and the use of telecommunications data. If you look at the reports that are made under the TIA Act every year in respect of the interception powers that currently exist and the data storage powers which relate to the storage of data, including content, and the telecommunications data retention powers, you will see that, while there is a significant level of detail for interception and storage use, there is much less detail in respect of the way telecommunications data accessed without a warrant is used.

When you have got agencies from the RSPCA, to local councils and all the way up to ASIO accessing that data without much scrutiny, you know that something needs to change. That is what Labor believes and that is why we support greater regulation. For example, one of the great improvements we have procured in this bill is to ensure that only a very limited
range of agencies can access data without a warrant. The original draft left out a couple of very important white-collar crime agencies—ASIC and the ACCC—which we have required to be re-included in the bill. The existing law allows any agency with responsibility for investigating serious offences or protecting the revenue or enforcing civil pecuniary penalty provisions to access metadata. That is why we have the RSPCA and local councils being able to access metadata. Having such a broad definition of the agencies that can authorise themselves to access your metadata, my metadata, the member for Aston's metadata and the member for Canberra's metadata is a problem with the existing law. This bill will deal with that problem by articulating the agencies that can access metadata without a warrant. Should the need arise, it will also allow for further agencies to be added in a way that can be disallowed by the parliament and can only be done temporarily unless legislation is moved to amend it for a more permanent reason.

That in and of itself is an important reform in the legislation that we are now considering, but I want to mention a few others. One of the very important reforms in this legislation is to apply the Privacy Act to telecommunications data. At the moment, there is no express provision applying the Privacy Act to telecommunications data, and there is a difference of views and opinions about whether telecommunications data is always covered by the Privacy Act. Importantly—and those who are opposing this bill might want to think about this—you are opposing a bill that will apply the Privacy Act to the telecommunications data of every person. I think that is an extremely important provision of this bill, because the Privacy Act, as members here would know, has in it the Australian Privacy Principles, one of which requires destruction of personal data. It is quite useful to think that we are going to have for the first time an express provision applying that Privacy Act, including those principles, to the telecommunications data that is already being kept by telecommunications companies.

Those who are opposing this bill ought to think about this: this bill, as amended by Labor's hard work, will include a provision to actually require encryption and secure storage of the telecommunications data. Why would you oppose a provision to require encryption and secure storage? It is irresponsible to allow the status quo to continue. It is irresponsible to allow the current, very limited regulation to continue when it comes to the amount of metadata that is being kept and the way in which it is presently being accessed.

I would also say that the bill would require more detailed reporting, there are more opportunities for the parliamentary joint committee to have oversight and, importantly, there is much more oversight because the Ombudsman will have oversight of the telecommunications data regime for the first time. As the previous speaker said, we have also procured from this government an obligation, a commitment, to provide further funding to the Ombudsman to allow the Ombudsman to discharge that obligation to have that oversight.

It has also been noted by a number of speakers that at the moment the agency authorises itself to get metadata without a warrant. The threshold for that authorisation is being lifted so, by supporting this bill, we are introducing into the telecommunications data regime a threshold of proportionality and justifiability, and that there has to be reasonable grounds. That increase in the threshold and the introduction of proportionality, in and of itself, is a vast improvement to the existing regime that has too much access without warrants with too little regulation by too many agencies. We want to see a much more appropriate and detailed regulation of those opportunities for access.
The point has been made that this bill would also put limits on the use of telecommunications data in civil proceedings, including, importantly, for a number of people, the enforcement of copyright rights. I commend the bill to the House.

Mr IRONS (Swan) (13:25): I too rise to join with my colleagues in speaking on the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014, which has been the focus of much debate and confusion within the community and in the media since it was introduced in this place on 30 October 2014. I highlight that perhaps the latter confusion is the cause of the former and has largely surrounded concerns that Australians’ privacy would be breached and that our law enforcement agencies—and by extension the government—will have unprecedented access to our personal information, if this bill is passed in this place. It is the 'Big Brother is watching you' concept and it is raising concerns for many people. I know there are some in my electorate who have been concerned about the privacy of their data.

With this confusion in mind, I would like to take this opportunity to clarify and highlight three key things: (1) the bill will in no way expand the type of metadata that law enforcement agencies can access; (2) it will not allow law enforcement agencies to tap a person's phone or read their personal emails without a warrant; and (3) the bill expressly precludes a person's web browsing history from being accessed. To make this clearer: law enforcement agencies will not be able to access any more information about me, the member for Swan; the member for Griffith, who has just spoken; the member for Canberra; the member for Aston—I noticed the member for Griffith also mentioned them in her speech—or any other member of the Australian public, if this bill is passed, than they can already access today.

I believe greater clarity has now been given to the government’s intent in introducing this legislation following last Friday’s release of the Parliamentary Joint Committee on Intelligence and Security's response to the provisions outlined in this bill. The committee made 39 recommendations with the last being for the bill to pass through this and the other place, and I thank all the committee members for their invaluable contribution.

I take this time to also highlight that this report has bipartisan support from the Labor government, and therefore thank the committee’s chair, Dan Tehan, the member for Wannon, and its deputy chair, Anthony Byrne, the member for Holt. I must admit that the member for Holt has been a driving force within the Labor Party for this type of legislation, and his advocacy on all matters related to border security and security have been helpful and worth recognising. I thank them for their dedication to ensuring an effective scrutiny processes is also undertaken, and I thank the opposition leader for recognising the true intent and importance of this legislation's passage.

As I previously highlighted, there have been a number of concerns raised about the bill's impact on everyday Australians' privacy. The key thing that all members in this place should note is that the bill before the House will in no way change the scope of the metadata that can be accessed. Instead it is about ensuring this important data, which is helping our law enforcement agencies to investigate a range of crimes every minute of every day, is retained by the telecommunications service providers for a mandatory minimum period of two years.

Before I proceed, I think it is important to first explain the concept of metadata, so there is further clarity about what this word means in terms of information. Metadata is actually being
collected about each and every one of us by service providers and, more importantly, it is what data can then be accessed by our law enforcement agencies.

Metadata is simply the information that identifies that a communication exists; it is not the content of that communication. One form of communication that we all use regularly in the digital world is email, so I will use that as an example—I see the member for Longman and I know he uses email and many forms of communication. When we say that the metadata of an email is retained, this means that the sender, recipient, time, date and location of where the email was sent from is retained by a telecommunications service provider, and that this information is able to be accessed by law enforcement agencies. The contents of that email or its substance will not be able to be accessed, though. This is the same for a phone call. An agency could use metadata to show that one individual called another at a particular time on a particular date, but what was said during that conversation would not be known. The importance of our law enforcement agencies being able to access this information cannot be undervalued, but the issue they are currently faced with is that telecommunications service providers across Australia are progressively reducing the amount of time they retain—

*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, and the honourable member will have leave to continue his remarks at that time.

**STATEMENTS BY MEMBERS**

**Canberra Electorate: Soldier On**

**Ms BRODTMANN (Canberra) (13:30):** It is with great pleasure that I rise today to congratulate Soldier On on its relocation and on the reopening of the Robert Poate Reintegration and Recovery Centre. Yesterday I joined with my colleague the member for Batman as well as the assistant minister, the Chief of the Defence Force, the Deputy Chief of Air Force, and the Chief of Army at the official reopening of the new centre in Crace. It was in a stunning old building—an 1860s building; we do not see many of those in Canberra these day. It was great to see the charity receiving so much support from across the Defence community and across the Canberra community.

The new headquarters were opened by the Governor-General, who has been a tremendous supporter of Soldier On since its inception. Soldier On has grown from an entity launched in a tent about five years ago. I was there at that launch in the tent, just down the road, where the Canberra Services Club used to be located. From that early and very, very small start, it has now grown into an extraordinary institution with top-notch facilities. The way in which the organisation has grown over the past five years is a testament to the positive impact it is having on returning soldiers and those who have left the service to deal with their wounds, their PTSD and other issues. But the charity does not just help the soldiers; it supports their families, too—like the parents of Robert Poate, Hugh and Janny, who were there today, and Hugh Poate made an incredibly powerful speech. It was great to hear how they are also engaging with Soldier On to provide them with support and to help them heal the wounds from the loss of their son. *(Time expired)*

**Budget**

**WYATT ROY (Longman) (13:31):** Today we are stopping Labor's raid on ordinary Australians' bank accounts. When the Labor Party was in government they loved to spend
Australian taxpayers' money, and at a much greater rate than they were saving it. We know they were spending $2 for every $1 they were getting in revenue, and as they came to the end of their time in government the Labor Party made promise after promise after promise to return the Australian government's books back to a surplus. But of course they never reached that, and in those last few months of desperation the now Leader of the Opposition, as the financial services minister, thought it would be a great idea to raid the bank accounts of ordinary Australians—of ordinary people in my electorate trying to make ends meet.

I remember asking at the time what the next initiative from the Labor Party was going to be. They were raiding disused bank accounts—bank accounts that had been sitting there for only three years. What was next? Was the now Leader of the Opposition going to look in our piggy banks? Was he going to look in our spare change in the car? Where were these guys going to get money to pay for their ridiculous spending on things like pink batts and the blow-outs on border security and school halls that were twice the price they were meant to be? Today we are stopping that. Today we are stopping Labor's raid and returning that money for the future bank accounts of people in my electorate. It is a great change. (Time expired)

Budget

Ms RYAN (Lalor—Opposition Whip) (13:33): I rise again today to talk about the budget delivered last May that just keeps on hurting families in my electorate of Lalor. Today I want to talk about the cuts to the Financial Assistance Grants. Wyndham City Council is set to lose almost $6 million in the next four years. It is an absolute shame. The Senate has told us that the Abbott government undertook no analysis of the impact these cuts would have on communities before making the decision to pause this indexation, and it is families in my electorate who will bear the brunt of that decision.

Earlier in the week I spoke about the Wyndham Legal Service and the cuts of $140,000 this year and next year to that legal service—which also supports the most needy in my electorate and assists people affected by domestic violence—only to find out that Attorney-General Brandis has reinstated the community legal centre funding to the Healesville Community Legal Centre. I stand here today to say that again and again and again I am on my feet to talk about the budget that just keeps hurting, yet we hear today that some people are having those decisions overturned—money reinstated. Well, I want the money for Wyndham City Council, and I want the money for Lalor, and I will keep getting on my feet. We have another few opportunities between now and the next budget to talk about the last budget, which we are just uncovering—still uncovering ways it is going to hurt our families. (Time expired)

Berowra Electorate: Centenary of Anzac

Mr RUDDOCK (Berowra) (13:34): I want to make a positive contribution, because there are positive things happening in Australia at this time. It is appropriate at the moment that we think about the Anzac centenary and the Anzac Centenary Local Grants Program, which, I might say, in my electorate has been undertaken with an enormous amount of enthusiasm. I want to thank the Minister for Veterans Affairs for increasing the amount per electorate from $100,000, as originally proposed, to $125,000. Last week I had the opportunity of inspecting at the Berowra RSL Sub-Branch, outside the community centre, the new memorial, to which we have allocated some $17,000 to put in place a sandstone wall and bronze plaque to commemorate the locals who bravely served overseas in the First World War.
There are other groups in my electorate, including Beecroft Lions, Brooklyn RSL Sub-Branch, Hills District RSL, and schools such as Marion College, Redfield College and Pacific Hills that are all undertaking projects to build commemorative monuments that will last for centuries to come. This is a positive, good-news story. I believe in this year, our Anzac centenary, projects such as the Local Grants Program are helping to increase the awareness and participation which Anzac rightly deserves. (Time expired)

Indigenous Communities

Ms CLAYDON (Newcastle) (13:36): I rise today on the eve of National Close the Gap Day because I want to bring this House's attention to a really critical—indeed dire—situation that now exists for up to 150 remote Indigenous communities in Western Australia following the callous decision by the Abbott Liberal government to cut funding for municipal and essential services in remote Indigenous communities. Historically, the Commonwealth has provided this funding in myriad ways. When I lived and worked in the Kimberley region of WA, this was done primarily through the Community Housing and Infrastructure Program. But no more: the new Minister for Indigenous Affairs, Nigel Scullion, said that the delivery of municipal and essential services is now a state and territory matter. People in Western Australia are now looking at the closure of up to 150 remote Indigenous communities due to the absolute inadequacy of the transitional funding being provided. Worse still, this Prime Minister, with this thought bubble, has deemed that we can no longer subsidise what he deemed to be lifestyle choices. How wrong could this Prime Minister be? Reckless commentary is no substitute for well-considered policy and is no basis for a fair, just and equitable partnership with Indigenous people.

Lindsay Electorate: Kurrambee School

Ms SCOTT (Lindsay) (13:37): The Aboriginal word for laughter is kurrambee. Laughter is what you hear when you walk through the school gates of Kurrambee School in Werrington. This remarkable school turned 50 this year. This wonderful school is one of our nations longest standing schools for children with a disability, and they have long been one of the most respected. On Saturday night at the St Marys Rugby League Club we, along with the founding principle of the school, celebrated this remarkable milestone and the work that this fabulous school has done to help so many children and so many families. Graham Nicholls, now 80, the founding principal, remarked that Kurrambee was a lighthouse for special education. I do not think you would find a more dedicated or passionate educator. There are not many events where you turn up and the original founding principal is still there, 50 years later. I would also like to mention Harry Terry, another principal; Alan Cullen, the unstoppable and wonderful principal; Alan Booth; and, of course, the current principal, Lisa Moffat. This is such an excellent school, and I am proud to support such a fabulous community that works so hard with children with a disability. They provide solutions for these children. They give these children the opportunities that they deserve, like every child in Australia.

Indi Electorate: The Border Mail

Ms McGOWAN (Indi) (13:39): Our regional newspapers are community institutions as well as products of public companies and private enterprise. Our newspapers are, at their best, much more than the front and back page. In my community, papers such as The Border Mail
enable the community voice to be heard, transactions to take place, and people to hatch, match and be dispatched. They enable innovation to be shared. And particularly The Border Mail, which advocates for such services as headspace. The Border Mail allows us to see ourselves. Decisions by organisations such as Fairfax have a huge impact on my electorate and other people's electorates.

Today in this House I call on my community: let's stand up; let's tell Fairfax. They have asked us for our opinion. Let's tell them how much our community newspapers mean for us, and, at their best, what they can do for us. The email address is acm@fairfax.com.au.

On Friday, at the invitation of The Border Mail, I am going to be meeting the 23 staff who will lose their jobs because of this decentralisation move, and I am going to be working with my community to make The Border Mail even more relevant to our local community and even more of a community institution.

Cowan Electorate: Vikings Women's Softball Club

Mr SIMPKINS (Cowan) (13:41): On 14 March I was invited to the vote count ceremony for the Vikings Women's Softball Club for the Valhalla Award—the award for best player. I would like to thank the club for their invitation and their hospitality, and I also thank the committee for the great work of the club members: the president, Sharon Perkins; the vice president, Megan MacLean; the secretary, Kelly Baker; the treasurer, Angela Balnaves; and the registrar, Jordana Baker. Congratulations, of course, to the winner of the Valhalla Award, Marietjie Haereroa for her strong and consistent performances. Her name kept coming up throughout the evening, so it was a very fitting award.

Although the Vikings Softball Club has its origins in 1981 when the Northern District Softball Association was formed, it was only in 2005 that the women's club was established and took the field the summer season of 2005. It has been strength to strength since then, with teams travelling around Australia and overseas to compete. In 2014 Vikings women finished with two premiership flags, and with the rounds versus the other clubs just finished, I understand that division 2, division 5 and the under-17 teams are through to the finals again this year, and I wish them all the best for their upcoming finals campaign.

Batman Electorate: Darebin Community and Kite Festival

Mr FEENEY (Batman) (13:42): On 15 March the city of Darebin and hosted the Darebin Community and Kite Festival. This year I again had the pleasure of attending this festival which has been a hallmark of the city of Darebin's commitment to community and art for over a decade. In recent years, the festival has attracted a large following from across Darebin and the greater Melbourne area. The festival has recently become a larger part of the True North Reservoir Arts Festival, which aims to showcase local artists and businesses. Held at Edwardes Lake Park in Reservoir. The festival offers families the opportunity to come together and engage as a community. Free entertainment was featured all day with kite flying, kite-making workshops, kids activities, local bands, a mini market, food stalls and a mobile art space. Local council staff and representatives from Darebin community groups were also in attendance, available to festival-goers, to talk about the services they provide and the services locals need and the very important work they do.
I congratulate the city of Darebin for organising, again, a wonderful event and wish them all the very best as they continue to contribute to the character of the Darebin municipality located within my electorate of Batman.

**Casey Electorate: Lilydale West Primary School**

Mr TONY SMITH (Casey) (13:43): Last Tuesday, I was pleased to attend the leadership assembly at Lilydale West Primary School in the heart of the Casey electorate to present leadership certificates and badges to a number of school leaders. I want to make mention of the school captains: Brodie Gray and Ava White; the vice captains, Brayden Cox and Caitlyn Serong; and the house captains, Corey Meade, Tamieka Anderson, Riley Gordon, Victoria Carrabba, Molly Ellen, Charlea Miller-Mullett, Corey Gray and Tayla Mitchell. I also make mention of the other school leaders that received certificates and badges for a range of responsibilities.

I want to pay tribute to the school community; to the teachers, led by the principal, Wendy Bartsch; the parents; and the school leaders for 2015, who will ensure that Lilydale West continues to be the great school that it is.

**Food and Grocery Code of Conduct**

Ms OWENS (Parramatta) (13:44): Surprise, surprise, the Abbott government is divided again. Already cracks are appearing in the Abbott government’s ranks, this time on the food and grocery code of conduct. Consultation on the code of conduct began four years ago and it concluded with the tabling of the code in the federal parliament on 2 March, just a couple of weeks ago. Almost immediately, we saw the cracks appear with members of the Nationals pushing for a Senate inquiry and going so far as to say that the code was valueless—in fact, worse than no code at all.

The time for disagreement on policy as important as this is before you table it. In fact, it is before you announce it let alone before you put it in the parliament. Governments have resources to do the work, to get it right, to consult with their colleagues—and there are not that many of them—and get agreement before they take the step of taking it out and telling business that this will be the way it is.

A government member: And you're so good at it!

Ms OWENS: It is not about us anymore. The government is in charge, and it is about time the government considered its own quality of work and stopped bagging us incessantly. All this week we have seen the Minister for Small Business come to this dispatch box and suggest it would be the Labor Party that brought this code undone. He should turn around and look at his own backbench, because that is where the disagreement is. He has had over a year—a year and a half—to get this consultation right, and he could not get it right within his own ranks let alone within this industry as a whole. Please get your act together. The uncertainty is killing people.

**Boothby Electorate: Anzac Centenary Local Grants Program**

Dr SOUTHCOTT (Boothby) (13:46): I rise to congratulate many groups across my electorate who have been successful in receiving funding through the Australian government's Anzac Centenary Local Grants Program. In particular, I would like to say how great it is that so many schools around my electorate have embraced the Centenary of Anzac.
While the RSLs and established commemorative groups are doing so, a good two-thirds of these grants will be going to local schools. These include Scotch College, Westminster School, Brighton Secondary School, Blackwood High School, Aberfoyle Park High School, Aberfoyle Park Primary School, Flagstaff Hill R7 School, Seacliff School and Colonel Light Gardens Primary School. These schools will be undertaking a wide range of activities, from constructing new memorials to staging musical productions, displaying local First World War memorabilia and producing a film about the First World War featuring, researched and narrated by students, for students.

That last project, in particular, had the selection committee quite excited. I cannot wait to see the final result. The Colonel Light Gardens Primary School is actually at the site of what was the Mitcham Army Camp, where soldiers did their training before they departed for France, Gallipoli and the Middle East. They have used the skills of the parent body to put this proposal together.

Congratulations to all the grant recipients. I look forward to working with the community to deliver commemorations that will honour our nation's centenary of service and mark the nation-defining events of this Centenary of Anzac.

Migration

Ms CHESTERS (Bendigo) (13:47): It is another day in this place and there has been another breach of temporary work visas, another case of abuse and exploitation of people who are here as guest workers. This time it has been uncovered by the government's favourite union, the CFMEU. What they have discovered are two workplaces. One has eight Filipino workers underpaid, receiving as little as $10 per hour. Six were living in one bedroom and two were living in shipping containers. At another workplace 16 Filipino workers and 13 Chinese workers were paid as little as $4 an hour and made to work seven days a week.

This is what is going on in some of our workplaces under the temporary migration program that we have for overseas workers. This government is not doing the right thing in working with the union to see these companies prosecuted. What this government is doing, instead, is calling in the fair work building commission to call on these organisations to show cause. They have asked the union, the organisers, to demonstrate how they found out this information. Rather than investigating these abuses, rather than working with the union to stamp out this kind of exploitation, what this government is doing is continuing to bully unions, saying that they are the thugs, they are the ones causing the problems in workplaces—when it is actually the employers. This is the same company that has made a donation to the Liberal Party of $400,000. (Time expired)

Food Labelling

Dr STONE (Murray) (13:49): Australia's reputation is as one of the safest producers in the world of eggs, seafood, meat, fruit, honey, nuts and cereals. Our farmers grow this produce in compliance with some of the world's strictest and most comprehensive food safety regulations. They do not do this because they must, they do it because they are proud to grow and see sold-on some of the cleanest product in the world. This clean production adds considerably to the cost but the dividends have been a rock-solid reputation built in both domestic and international markets. Australian produce is trusted and attracts premiums, and demand is strong.
Unfortunately, unscrupulous food exporters in some countries that have very poor food safety records regularly try to pass off their produce as Australian. We have Koala brand rice grown in Thailand, imported contaminated honey from China being rebranded and re-exported as Australian and apples from South Africa with kangaroo branding.

The defence of our reputation must include strict prosecution and penalties, but I acknowledge that is difficult for a company in Australia to work in these overseas jurisdictions to get a penalty imposed. Part of the solution is to impose much clearer country-of-origin labelling on our own Australian goods, so there is no confusion and we can protect our own stellar reputation, which is the envy of the world.

**Blair Electorate: Road and Rail Infrastructure**

**Mr NEUMANN** (Blair) (13:51): I welcome the council of south-east Queensland mayors to Canberra, once again, for their annual visit. As someone who has lived in Ipswich all of my life, I am committed to South-East Queensland. One in seven Australians live in south-east Queensland and for the past 10 years 20 per cent of the economic and employment growth in this country was in south-east Queensland.

While they are here, the infrastructure Prime Minister—as he likes to call himself—can have a listen to the mayors of South-East Queensland. One of the projects he can think about is the Darra to Springfield rail extension to Redbank Plains. It is the biggest of the fastest-growing suburbs in Ipswich. That is $180 million. The Brisbane Valley Highway upgrade from the Blacksoil Interchange, built by a Labor government with funding that we put in—$54 million—is upgraded to the Brisbane River to help the towns of Fernvale and Lowood. It is $45 million. The Cunningham Highway upgrade from Yamanto to Willowbank, helping RAAF Base Amberley and the aerospace precinct, is $270 million. The Norman Street Bridge project, across Ipswich, will help flood resilience for my community, which has suffered major floods—three in the last difficult biblical generation. That is $250 million.

They could also get started on the Ipswich Motorway's Darra to Rocklea section, which the coalition said they would match the funding for. We built the Dinmore to Darra section of the Ipswich Motorway. It was built and completed under a Labor government—$2.8 billion. The Abbott government said they would match the funding for the last stage and have done nothing about it since the last election. *(Time expired)*

**Gilmore Electorate: Relay for Life**

**Mrs SUDMALIS** (Gilmore) (13:52): Each year, many Australians take part in the Cancer Council's Relay for Life. Gilmore has four of these events. This Saturday, the Albion Park Showground will come alive for the Shellharbour Relay for Life. While I am not able to walk side by side with the survivors, patients and carers at this year's event, I would like to take a moment to praise their efforts, for in their short history they have raised more than $300,000 for the Cancer Council and grown to 900 purple-shirted participants, due to the efforts of their passionate committee.

On the weekend of 28 and 29 March, it is Nowra's turn for what will be a fantastic community event. This has been a longstanding, successful fundraiser. In fact, it is the Shoalhaven community enthusiasm that raised more than $1 million for the local Cancer Care Centre. In October, the Milton-Ulladulla Relay for Life will be on the weekend of the 17th and 18th and the Kiama Relay for Life will be on the weekend of the 24th and 25th.
Unfortunately, the statistics show that each of us will be directly affected by or know someone with cancer. These relays help the community come together not only to raise money but also to raise hope for a brighter cancer-free future for all those we love. There is nothing quite as poignant as a relay sunset, where you walk past the candlelit prayer and hope message bags. The relay volunteers and committees throughout Gilmore deserve great praise for giving up their time and their tireless energy to provide others with hope for a better future.

Remote Aboriginal Communities

Ms MacTIERNAN (Perth) (13:54): Tomorrow I will join Aboriginal and non-Aboriginal people rallying in Perth to protest the closure of up to 150 remote Aboriginal communities against the wishes of these communities. For a second and in some cases a third time since European settlement Aboriginals will be thrown off their land. They will also be protesting the Prime Minister disrespecting their deep connection with country when he described them as merely exercising a 'lifestyle choice'.

The federal government must accept responsibility for the mess that is occurring in Western Australia. It stopped funding essential municipal services and gave a bucket of money to the Barnett government without any consultation with affected communities and without any preconditions. Mr Barnett says it is now all too hard and up to 150 communities will have to close down. There are challenges in these communities, but forcing these people to move to other communities or onto the fringes of urban towns is no solution. We do need change, and the change we need is to empower these communities to shape their own destiny.

East West Link

Mr SUKKAR (Deakin) (13:55): This week marked the occasion when Bill Shorten finally confirmed that he has turned his back on the people of Melbourne's eastern suburbs, by supporting the reckless tearing-up of the contracts to build the East West Link. This week when asked if he was still in favour of building the East West Link, Bill Shorten squirmed and waffled as usual, but was finally pinned down by the journalist for an answer, when he replied: 'No, not in the current circumstances.' This is outrageous considering that, on two previous occasions, Bill Shorten has put forward submissions strongly supporting the East West Link.

His new position of tearing up the East West Link contracts also contradicts his earlier support for the shadow Treasurer's comments, when he said:

Labor in Government honours contracts entered into by previous governments ... for issues of sovereign risk, Labor honours contracts.

The East West Link is a shovel-ready and fully funded project which will deliver 7,000 jobs to Victoria and save commuters in my electorate of Deakin up to three hours per week in travel time.

For these reasons alone, Bill Shorten should put Victoria first, by getting on the phone to his mate Premier Dan Andrews and telling him to get this crucial project going. If Bill Shorten and Labor continue down this dangerous path, they will be threatening Victoria's reputation and the people of Melbourne's eastern suburbs will never forgive Labor.
Close the Gap Day

Mr STEPHEN JONES (Throsby) (13:57): Tomorrow in my electorate, elders from the Dharawal tribe will be joining with their supporters throughout the region in celebrating and taking action around Close the Gap Day. When they gather there will not be much to celebrate in the recent Close the gap report, but we are pleased that there has been some progress in halving the gap in year 12 attainment. We are also pleased that small gains have been made in closing the gap in life expectancy. But the failure to take on board measures which will close the gap in Indigenous employment outcomes, infant mortality, reading and numeracy and nameless other health gaps continues to be a national shame.

We cannot blame the government for generations of inequality, but what we can blame the government for is failing to have a plan to address these problems. The programs that are most needed to address these gaps have been held hostage to an absolutely hopeless budget process. This includes over $500 million worth of cuts to Indigenous programs and $165 million worth of cuts in health programs. The one thing that we can do which will make an enormous difference will be to address the gap in smoking rates. If we can bring that down, the benefits to the Indigenous community and the whole community will be paramount. These are not lifestyle options; these are things we must address as a nation. *(Time expired)*

Hume Electorate: Road Infrastructure

Mr TAYLOR (Hume) (13:58): I am pleased to announce a joint federal and state government commitment to fund up to an additional $15 million for much-needed safety works on the Barton Highway between Yass and Canberra. This was announced last week by myself and the hardworking state member for Goulburn, Pru Goward. The federal government has pledged to work with New South Wales to identify up to $12 million from any project savings from the New South Wales government's Infrastructure Investment Program allocation to put towards the Barton Highway—and the New South Wales government has agreed to commit $3 million.

It is one of the most important issues for commuters around Murrumbateman, Yass and as far away as Boorowa and Binalong. The Barton Highway is the artery that allows thousands of local people to work in Canberra, to use Canberra's tertiary and medical services, and to have their children attend school in Canberra.

I have been pushing for this latest funding to build overtaking lanes and other safety measures, such as road widening, in line with the planned staged duplication of the highway. Overtaking lanes are urgently needed along the 'mad mile' north of Wallaroo and south of Murrumbateman. The majority of the new work should be done between Murrumbateman and Wallaroo, where there is the heaviest traffic in peak hour.

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

QUESTIONS WITHOUT NOTICE

Higher Education

Mr SHORTEN (Maribyrnong—Leader of the Opposition) (14:00): My question is to the Prime Minister. I refer to the Prime Minister's comments this morning on radio station 2SM, where he was asked about the future of his defeated plans for $100,000 degrees, and he said,
'We will have another go.' Prime Minister, doesn't this show that the same cuts and chaos in his last budget will be front and centre of the next budget?

Mr ABBOTT (Warringah—Prime Minister) (14:00): There are no plans in the terms that the Leader of the Opposition alleges. None whatsoever. The only universities that have indicated what their fees would be have said fees are half the level that the Leader of the Opposition suggests. As for the budget, this will be a prudent, frugal and responsible budget. It will build on the strong foundation that was laid last year.

As members of this House should now well know from studying the intergenerational report, under the measures this parliament has already legislated Labor's debt and deficit is halved going forward. We were left in a catastrophic position by members opposite—

Opposition members interjecting—

The SPEAKER: The member for Jagajaga!—

Mr ABBOTT: whose claim back in 2012 was: 'the four years of surpluses that I announce tonight', which were never, ever delivered. Instead we had debt to GDP racing towards 120 per cent.

Opposition members interjecting—

The SPEAKER: The member for Ballarat! The member for Grayndler will desist!

Mr ABBOTT: We said that we would get back to a strong and sustainable surplus as soon as possible, and we will.

Bank Deposits

Mr TONY SMITH (Casey) (14:02): My question is to the Prime Minister. I ask the Prime Minister to update the House on action being taken to ensure that the money in Australians' bank accounts is secure.

Mr ABBOTT (Warringah—Prime Minister) (14:02): I thank the member for Casey for his excellent question and for the excellent work he does in this area protecting people from the ravages of the Labor Party.

Opposition members interjecting—

The SPEAKER: The member for Grayndler will desist!

Mr ABBOTT: That is what this government is doing all the time. We are cleaning up Labor's mess. We have repealed the carbon tax, which means every household is on average $550 a year better off. We have repealed the mining tax, which means that Australia is once more a safe place to invest.

Opposition members interjecting—

The SPEAKER: The member for Moreton!

Mr ABBOTT: We have stopped the boats, which means that hundreds of people are no longer dying at sea. We are rolling out the National Broadband Network. Thanks to the good work of the Minister for Communications it is on schedule and on budget. We have the royal commission cleaning up the mess of union governance, which the Labor Party is still trying to obstruct and protect. And we are fixing the Leader of the Opposition's own personal cash grab, which he put in place when he was the Minister for Financial Services and Superannuation.
The only thing that members opposite are good at is thinking up new ways to grab your money. That is the only thing they are good at. They said they were going to deliver a surplus.

Opposition members interjecting—

The SPEAKER: The member for Sydney will desist!

Mr ABBOTT: They knew their spending was absolutely out of control, so what did they do? They thought of the child's piggy bank, they thought of the widow's cookie jar and they went in to grab it. All you needed was a bank account that had been inactive for three years and Bill Shorten would trouser the money. Under the rules in place, some $70 million a year went to ASIC. Under the Leader of the Opposition’s rules, all of a sudden a half a billion dollars was trousered by the government. Fully 156,000 accounts were seized by the government.

Isn't it so typical of the Labor Party. They look at your money, they envy it, they grab it, and then they make you go through six months of bureaucracy to get back what has always been yours. That is the Labor Party. Last year the Leader of the Opposition was asked about this bizarre policy he had put in place as Minister for Financial Services and Superannuation, and he said, 'This is about protecting people's savings to ensure it's not eroded by bank fees and charges.' So, to stop the banks taking a little bit of your money, the Leader of the Opposition took it all. That is what he thinks protecting you is. When he said that, several Labor shadow ministers said privately that they were embarrassed. They have every right to be embarrassed. You just cannot trust the Leader of the Opposition with anyone's money.

Higher Education

Ms PLIBERSEK (Sydney—Deputy Leader of the Opposition) (14:05): My question is to the Minister for Education. In January, when asked what would happen if the government's unfair university changes were not passed by the Senate, the minister said, 'Well, the government will accept the decision of the Senate.' Just now the Prime Minister said that the government will have another go at these unfair changes. Doesn't this show that the same unfair cuts and chaos of the last budget will be the hallmark of this budget?

Mr PYNE (Sturt—Leader of the House and Minister for Education and Training) (14:06): I thank the member for her question. I disagree with her analysis and I disagree with the statements she made. Instead, I agree with Peter Lee, who is the chairman of Southern Cross University, and also the chairman of the Regional Universities Network. Many of my colleagues on this side of the House represent regional universities. As part of our debate around higher education over the past 12 months, or more, we have been ensuring that regional universities are looked after and for the first time can compete with suburban universities for students. Peter Lee, the chairman of the Regional Universities Network, which represents rural and regional students said:

… universities are too important to the nation to be used in a partisan way as a political football.

He said further:

One is deeply disappointed at the failure of the government's higher education reforms to pass the Senate.

Another regional university, with the go-ahead Vice-Chancellor Scott Bowman, from the Central Queensland University, said:
If regional Australia had any hope of ever catching up with city Australia in university participation … it would be through an uncapped student system in a deregulated market.

So I disagree with the analysis of the deputy leader, and instead, I substitute another analysis.

What the Labor Party have done by voting down this bill last night in the Senate is deny students from country Australia the same opportunities to go to university as their city counterparts. That is what Labor has done.

Opposition members interjecting—

The SPEAKER: The member for Lalor and the member for Hotham!

Mr PYNE: Labor has shut off opportunity for students to go to university—whether it be the 80,000 new places that were going to be created because of the government's reforms; whether it be the 130,000 students who are with the non-university higher education providers, who were going to benefit from the taking away of the premium on VET FEE-HELP and FEE-HELP; or whether it be the university students who were going to gain scholarships in the biggest scholarships scheme in the history of Australia. That scheme led Michael Spence, the Vice-Chancellor of the University of Sydney, to say that they would go from 700 scholarships a year to 9,000. He also said that because of the freedom that this deregulated market would create he would be able to skew those scholarships to disadvantaged students, low-SES students, students from rural and regional Australia, disadvantaged and first-generation university students so that they would be able to increase the demographic breakdown of their university from six per cent of low-SES students to 30 per cent. The Labor Party likes to pretend, to wring its hands about free education. The Labor Party likes to wring its hands about apparently standing up for students from disadvantaged backgrounds— (Time expired)

Cyclones

Mr VAN MANEN (Forde) (14:09): My question is to the Minister for Foreign Affairs. Will the minister please update the House on the government's disaster relief efforts in Vanuatu?

Ms JULIE BISHOP (Curtin—Minister for Foreign Affairs) (14:09): I thank the member for Forde for the question. I know how concerned he is for Pacific islanders who are living in his electorate and who have family and friends in the Pacific. Since Tropical Cyclone Pam hit the Pacific, particularly Vanuatu, last Friday and Saturday, the Australian government has responded rapidly. We are providing lifesaving supplies and equipment, humanitarian support, and experts on the ground. Eight RAAF transport planes have delivered necessary supplies, personnel and equipment. Three left on Sunday; two on Monday; three yesterday. Around 56 people from our search and rescue teams have been deployed, and around 27 in the Australian medical assistance teams. We are setting up a 40-bed ward hospital in the Port Vila hospital complex, also a pharmacy, and X-ray services. Around 30 consular humanitarian and other officials have also been deployed, and at any one time there are around 50 Australian Defence Force personnel on the ground.

Today our focus is on the southern islands to check on the whereabouts of Australians who may be living or visiting these more remote locations. Communications are difficult. It is difficult to land planes. The flooding and the impact of the storms is making that challenging for us. Our aerial reconnaissance to date has confirmed that there has been some significant
damage, particularly to Tanna Island. We anticipate that about 80 per cent of the houses and buildings there have been damaged in some way and some have been completely flattened. We are establishing a presence in Tanna today with medical supplies. Our consular personnel and medical team will be there with relief supplies more generally. From Port Vila we have evacuated 227 Australians on four separate military flights. I am pleased to confirm that commercial flights are now operating out of Port Vila airport.

I have a word of caution for the Labor Party in relation to this matter. Yesterday, I note, the Deputy Leader of the Opposition put out a press release. The press release said:

We urge the Abbott Government to do more to help Vanuatu, immediately. Labor believes serious consideration should be given to deploying our expert Australian Medical Assistance Teams.

That is what she said yesterday. That is what I announced on Sunday. That is what occurred on Sunday. On Sunday our Australian medical assistance team landed in Port Vila.

Ms JULIE BISHOP: You have to give it to her: she is good! Two days after they were in Port Vila we have been criticised for not sending a medical team.

Budget

Ms MACKLIN (Jagajaga) (14:12): My question is to the Prime Minister. I refer to today's front-page story in The Sydney Morning Herald which refers to deep spending cuts in the Prime Minister's next budget. Will the Prime Minister rule out abolishing family tax benefit part B in his next budget, as recommended in the government's commission of audit, or does the Prime Minister still think that Australian families are leaners?

Mr ABBOTT (Warringah—Prime Minister) (14:13): I am very happy to talk about this government's progress at budget repair, because didn't our country need budget repair after six years of debt and deficit disaster put in place by members opposite, including the shadow minister who asked the question. Again, I refer the House to this very important document the Intergenerational report, which shows where our budget reposition was going under matters opposite. We were heading to Greek levels of debt and deficit. That is where we were going—Greek levels of debt and deficit.

Ms MACKLIN: Madam Speaker, I raise a point of order on relevance.

Mr BURKE: I wish to raise a point of order. Unless I have misheard, you have just said that on some questions a direct relevance point of order cannot be raised. It is in the standing orders.
The SPEAKER: I did not say that at all. You did not listen. The member will resume his seat. The Prime Minister has the call.

Mr ABBOTT: And, Madam Speaker, it is very easy to be directly relevant to a very broad-ranging question, which is what the shadow minister asked.

Ms Macklin interjecting—

The SPEAKER: The member for Jagajaga will desist!

Mr ABBOTT: The Intergenerational report shows that we were heading to Greek levels of debt and deficit under the policies of members opposite. The Intergenerational report shows what we were seeking to do with last year's restructuring.

The SPEAKER: The Prime Minister does not use props.

Mr ABBOTT: It was to do in that budget a generation of budget repair that was absolutely needed after six years of budgetary chaos.

And the Intergenerational report shows what has already been achieved. Labor's debt and deficit has been halved. What that shows is that there is a very good foundation on which to build in this coming budget. That is why it will be a prudent, frugal and responsible budget, a budget which has good news for families, with an improved childcare package. It will have good news for small business, with a tax cut for small business, because we believe, unlike members opposite, that small business people are doing it tough and they need a break, and we want to give it to them because they are the creative people in our economy. So it will be frugal, prudent and responsible. It will build on this foundation.

The shadow minister should not believe everything she reads in the newspaper—that is where she does her research, obviously. She relies on the newspaper to do her research for her. No wonder they left our country in such a mess.

Death Penalty

Mr KATTER (Kennedy) (14:16): My question is to the Minister for Foreign Affairs. The Fin Review quotes retired ASIO chief David Irvine:

… look at the … Indonesian Parliament and you see the level of criticism and … dislike of Australia …

We project an air of condescension. Every year drugs kill 1,000 innocent Australians. Doesn't fighting for traffickers, however justified, reinforce to Indonesia our government's manifest colonial-like indifference to Asian sensitivities, laws and customs? First Australians found that friction causes fire. Northern cattlemen got burnt. Who next, Minister? (Time expired)

Ms JULIE BISHOP (Curtin—Minister for Foreign Affairs) (14:17): I thank the member for Kennedy for his question. Australia and Indonesia enjoy a strong, bilateral, longstanding relationship. In recent times, the former foreign minister and I actually assessed the breadth and the depth of the relationship between Australia and Indonesia, and we were able to produce 60 different areas of shared common interest across about 20 separate government departments and agencies. These were formal treaties, agreements, working groups, summits. It just underscored the breadth, the depth and the diversity of the relationship with Indonesia. We have a very healthy and respectful relationship with the new Widodo administration. Indeed, President Widodo came to the G20 meeting in Brisbane and we were able to discuss a range of matters of mutual interest and concern.
Australia opposes the death penalty both at home and abroad, and we have made respectful submissions—and I thank the Labor Party for their support. We have made very respectful submissions to Indonesia. Indeed, I note that Indonesia also opposes the death penalty for its citizens when they face death row in other countries abroad. So we are not asking of Indonesia or the Indonesian President anything that Indonesia does not ask and receive from other countries.

I do concede that we inherited a number of tensions when we came to office. There was, of course, the issue of the failure in border protection. That failure meant that Indonesia self-described as a victim because so many people were being lured to Australia by the people-smuggling trade, which then flourished in Indonesia once more. When 1,200 people died at sea as a result of those failed border protection laws, I know Indonesia felt it as seriously as Australia did.

We also inherited the Snowden allegations, but I am pleased to say that we were able to work through those issues, quietly, behind the scenes, and we have come to an accommodation on intelligence sharing. We have probably the highest level of intelligence sharing and counterterrorism cooperation that we have ever seen, for we both face the challenge of foreign terrorist fighters and we are working very closely together.

Of course, as you alluded, there was the issue of the overnight announcement of a ban on live cattle to Indonesia, and that was a terrible moment in the life of the Rudd-Gillard-Rudd government. But we have done a lot of work to restore that, and I pay tribute to the Minister for Agriculture for the work that he has done in ensuring that the cattle producers in Australia can continue to supply live cattle to Indonesia. We are a trusted and reliable trading partner. We will continue to be so.

And, yes, there will be challenges in the relationship, as there are with any relationships, but Australia is determined to ensure that this is a strong relationship that endures.

Deregulation

Mrs WICKS (Robertson) (14:20): My question is to the Treasurer. Will the Treasurer update the House on how the government is removing red tape to the benefit of business and consumers, and how does this build a more efficient economy and help create jobs?

Mr HOCKEY (North Sydney—The Treasurer) (14:20): I would like to thank the member for Robertson for her question and recognise the fact that the member for Robertson has been an indefatigable advocate for the Central Coast, having worked with the member for Dobell to deliver more than 600 new jobs through the Australian Taxation Office and other offices, with a new centre of excellence on the Central Coast. Also, she has been a great advocate of a new medical research education centre on the Central Coast, which has, I understand, won favourable support during the course of the New South Wales election.

But what we have got to do is try and get more small businesses more active in business to employ more people. Currently, a lot of small businesses are paying a heavy burden as a result of the red tape that was imposed by the Labor Party. Now, the Labor Party, when they were in government, introduced 21,000 new or amended regulations in six years—21,000 new regulations in six years. That is what the Labor Party did. You wonder how small business copes under that burden, that massive burden of 21,000 new regulations which the Labor Party introduced.
The good news is that we are getting rid of that red tape. We have made substantial progress so far: 10,000 pieces of legislation and regulation have gone. Today is Repeal Day in the parliament, when we get rid of more red tape and regulation. More than 50,000 pages of red tape and regulation have gone under this government in less than 18 months. How good is that for small business? Leading the charge have been the member for Kooyong and the member for Pearce, and I tell you what: there has been substantial leadership from the Minister for Small Business, because small business carries that burden more than almost anyone else. The Minister for Small Business has led in these two regards in particular: 45,000 small businesses that have no GST reporting requirements will no longer have to lodge a business activity statement; and 400,000 small businesses with modest incomes that are required to lodge a BAS will no longer have to interact with the PAYG instalment system. That saves small business $67 million a year. These are real, on-the-ground initiatives that cut the red tape and get rid of that massive burden that was imposed by the Labor Party on everyday Australian businesses.

DISTINGUISHED VISITORS

The SPEAKER (14:23): Before I give the call to the honourable member for Jagajaga, I wish to advise the House that we have in the gallery today the Hon. Gary Higgins, Minister for Sport and Recreation, Environment, Arts and Museums in the Northern Territory. We also have with us Mr Paul Marek, the former member for Capricornia. We make you most welcome also. We also have 23 delegates from the National Rural Women's Coalition and we also make them most welcome.

Honourable members: Hear, hear!

QUESTIONS WITHOUT NOTICE

Carer Supplement

Ms MACKLIN (Jagajaga) (14:24): My question is to the Treasurer. Will the Treasurer rule out limiting the annual carer supplement to only one payment per carer, as recommended in the government's Commission of Audit?

Mr HOCKEY (North Sydney—The Treasurer) (14:24): We are not going to go down the path of ruling in or ruling out initiatives in the lead-up to the next budget. This is a long, worn old path, including by us in opposition, I might say. We tried that—the problem we found was that we were always right, unlike the Labor Party, which, so far, is proving absolutely wrong. Of course, when it comes to welfare and caring about people, I really hope that the honourable member has already spoken to the Leader of the Opposition about that cut to single mothers initiated by the Leader of the Opposition—67,000 single mothers taken off the single mothers pension and put onto Newstart, and it was initiated by the Leader of the Opposition. I would suggest to the honourable member that she start a conversation with her own leader rather than asking us questions that certainly have no foundation.

Unclaimed Money

Mr O'DOWD (Flynn) (14:25): My question is to the Treasurer. Will the Treasurer inform the House how the government is restoring certainty and predictability to the savings of Australians by reforming the unclaimed money changes introduced by the former government in 2012?
Mr HOCKEY (North Sydney)—The Treasurer (14:26): It is a very good question from the member for Flynn. Why? Because, when Labor was in government, they not only ran out of official money; they went after unofficial money. They went into the bank account of everyone who had not touched that bank account for three, four, five or six years and they took the accounts. They actually took the accounts. They seized the property assets of Australians who had not touched their bank accounts for a short period of time. Of course it was the member for Lilley who came up with that idea. He is still here—he is burying himself in solitaire on his computer there. I was reminded of the Herald Sun front page: 'Hands off our cash—Swan's $100m bank robbery.'

The SPEAKER: No props!

Mr HOCKEY: The problem was it was not $100 million; it was a lot more than that—it was $550 million. It was counterintuitive in a sense, because every other number he got wrong, but with this one he actually underestimated how much revenue he would get. It was $550 million, and the Labor Party seized 156,000 bank accounts. The leader of the charge was 'Balaclava Bill'. Here he is: the Leader of the Opposition—

Mr Burke: Madam Speaker, on a point of order—

The SPEAKER: The Manager of Opposition Business will resume his seat, and I would remind the Treasurer to address people by their correct titles.

Mr HOCKEY: I am being unfair to balaclavas here, I know; I withdraw. The Leader of the Opposition must be incredibly proud of that. We are reversing this bad policy decision. We are giving Australians back their bank accounts. We are ensuring that they actually have control of their own money. Australians need no longer live in fear that the Labor Party in government is going to come along and seize their Dollarmite accounts or smash their piggy banks to try and get the money that is going to be used by the Labor Party on waste like $900 cheques to dead people, pink batts that burn down homes or overpriced school halls. That is where the money was going. It was Australian savings that were being taken by the Labor Party. It just reminds us of the true saying: 'You can't trust the Labor Party with money.' If they can get their hands on your money, they will do it whichever way they can. We are reversing bad policy. We are giving Australians back their money.

Budget

Mr SHORTEN (Maribyrnong—Leader of the Opposition) (14:29): My question is to the Prime Minister. The Prime Minister has today promised that the budget will be in broad balance within five years. The last budget cut the rate of pension increase, it imposed a new GP tax and hit students with $100,000 degrees. Will the Prime Minister confirm that the same cuts and chaos of the last budget will be front and centre in the next budget? Or put simply, Prime Minister, are these ideas in or out?

Mr ABBOTT (Warringah—Prime Minister) (14:29): I might respectfully say to the Leader of the Opposition: what would you do? The last time the Labor Party delivered a surplus—

Opposition members interjecting—

The SPEAKER: There will be silence on my left, including the member for Corio!
Mr ABBOTT: Wyatt Roy was not even born! The member for Longman was not even alive the last time the Labor Party delivered a surplus. I know they do not like looking at the expert document, produced by the Treasury. But here it is.

The SPEAKER: We will not have any props on either side.

Mr ABBOTT: Madam Speaker, I am reading from the 2015 Intergenerational report—

The SPEAKER: We will have no props from either side, including from the Prime Minister and the member for Sydney! The Prime Minister has the call.

Mr ABBOTT: Labor's policy—

The SPEAKER: I said that we will not have props.

Mr ABBOTT: taking us to Greece—

Mr Burke: Madam Speaker—

The SPEAKER: The Manager of Opposition Business will resume his seat.

Mr ABBOTT: Madam Speaker, I am reading from a document.

The SPEAKER: I said that we will not have props from either side.

Mr ABBOTT: Madam Speaker, my eyesight means that I have got to hold it up. I need long arms, Madam Speaker, in order to be able to see it.

The SPEAKER: Well, I can always lend him a pair of glasses.

Mr ABBOTT: Okay, Madam Speaker, is that better? Here we have the Intergenerational report. It shows the Greek levels of debt and deficit to which the old ouzo economics specialists over there were taking us.

Ms Ryan interjecting—

Ms O'Neil interjecting—

The SPEAKER: The member for Lalor will desist, as will the member for Hotham!

Mr ABBOTT: The ouzo economics specialists were taking us to 120 per cent, with respect to the ratio of debt to GDP. They were taking us to 12 per cent of GDP deficits every year. We have halved Labor's debt and deficit going forward. That is what we have done.

Ms Owens interjecting—

The SPEAKER: The member for Parramatta is warned!

Mr ABBOTT: The job is not fully done, but the job has been half done and that is not a bad foundation. That is a very, very good foundation on which to build in this budget. At least we are serious. Members opposite talked about delivering a surplus. They never, ever delivered one. Who could forget the immortal words with which the member for Lilley argued in the 2012 budget speech: 'The four years of surplus that I announce tonight!' I tell you what: not even the Greeks would have that kind of hide! We have made a very good start to the job of budget repair. The budget was absolutely out of control under members opposite. It is now in a manageable state. (Time expired)

New South Wales State Election

Mr BOWEN (McMahon) (14:33): My question is to the Treasurer. I refer the Treasurer to comments yesterday in state parliament by the Western Australian Treasurer, Mr Nahan, who said, and I quote:
Joe Hockey now has the review—

Mr Pyne: Madam Speaker, I rise on a point of order. The member for La Trobe was on his feet and I think you might have assumed that the member for McMahon was taking a point of order, not asking a question, which is tricky but it is not actually allowed.

The SPEAKER: I have to admit that I did see the member for McMahon before I saw the member for La Trobe. The member for McMahon can continue with his question and I will rectify it later.

Mr Bowen: I will start again, Madam Speaker. In my question to the Treasurer I referred to comments in the state parliament yesterday by the Western Australian Treasury, Mr Nahan, who said, and I quote: ‘Joe Hockey now has the review from the grants commission on his desk, although he will not release it until a short time after the New South Wales election is over.’ Why is the Treasurer hiding this report from the people of New South Wales before they vote?

Mr Hockey (North Sydney—The Treasurer) (14:34): I am not. They are in caretaker mode. So what do you think? They are in caretaker mode.

Opposition members interjecting—

Mr Hockey: I know. And I will just add one further thing. I do not think New South Wales should be worried at all—

Opposition members interjecting—

The SPEAKER: The Treasurer will resume his seat.

Mr Hockey: about the outcomes—

The SPEAKER: The Treasurer will resume his seat.

Opposition members interjecting—

The SPEAKER: The Treasurer will resume his seat. We will have silence on my left. The noise is so great that the Treasurer could not even hear that I asked him to resume his seat. There will be silence to listen to his answer. The Treasurer has the call.

Mr Hockey: I was just saying that I do not think New South Wales should be worried at all about the outcomes of the GST relativities review. Okay? I do not think it will have any impact whatsoever on the New South Wales election. But because they—

Opposition members interjecting—

The SPEAKER: We will have silence, thank you. This noise is getting relatively near the level we had yesterday and it will not be tolerated. The Treasurer has the call to complete his answer.

Mr Hockey: There will be nothing of any concern to the New South Wales government associated with this review. As Mike Nahan actually went on to say in the full transcript of Hansard, because you did not quote the entire Hansard: ‘The Treasurer will be providing it to the states just before he meets with the state treasurers in April.’ That is a perfectly reasonable way of doing it. So I do not know what the purpose is of this question, other than to give me an opportunity to remind the people of New South Wales that if you care about New South Wales and about New South Wales's future, then vote Liberal and vote National. If you care about the state, that it represents a third of the Australian economy and
you want to keep that growth in place, vote Liberal and vote National. And vote No. 1 for your Liberal or National candidate, because of the optional preferential system in that state.

Ms O’Neil interjecting—

The SPEAKER: The member for Hotham will desist!

Mr HOCKEY: I only wish that some of the other states that are run by the Labor Party could emulate the way that Mike Baird has run New South Wales. Instead it is the Labor Party that is tearing up job-creating projects like the east-west tunnel and the East West Link in Melbourne. They have also got a huge problem associated with their failure to be able to pay for new infrastructure in Queensland. So we are waiting to hear what is happening. The biggest threat to the prosperity of New South Wales is not the GST appropriation. The biggest threat to the prosperity of New South Wales is the threat of Labor being elected in two Saturdays time.

Workplace Relations

Mr WOOD (La Trobe) (14:36): My question is to the Minister for Education and Training representing the Minister for Employment. Will the minister explain why the government is taking action to restore the rule of law on the construction sites? What challenges does this reform face?

Mr PYNE (Sturt—Leader of the House and Minister for Education and Training) (14:36): I thank the member for La Trobe for his question. He, like me and like all members on this side of the House, is very concerned, as a former policeman, about the breakdown of the rule of law on some construction sites around Australia because of the actions of the CFMEU. More revelations are emerging again today about action that Fair Work Building and Construction is needing to take against the CFMEU to ban seven more officials from building and construction sites.

Mr Perrett interjecting—

The SPEAKER: The member for Moreton is being warned. One more utterance and he will leave.

Mr PYNE: I see that the Labor Party, yet again, are standing up for the CFMEU. I cannot read the comments in the newspaper today, because they are so vile, used by officials of the CFMEU towards the inspectors of Fair Work Building and Construction because it would offend not only members in this chamber but, I think, everyone listening.

Ms Chesters interjecting—

The SPEAKER: The member for Bendigo is warned.

Mr PYNE: The reality is that the CFMEU believes it is above the law. Do not just take my word for it. They are the words of the Federal Court, which has fined the CFMEU $125,000 yesterday, saying that the CFMEU is ‘a recidivist’. The judgement read, in part: The overwhelming inference is that the CFMEU, not for the first time, decided that its wishes should prevail over the interests of the companies and that this end justified the means.

The CFMEU is out of control on building sites in Australia, and that is why the government is trying to bring back the Australia building and construction commission, which the Labor Party continues to oppose. It is why we are trying to introduce the Registered Organisations Commission, which the Labor Party opposes. It is why we created a royal commission into
thuggery and intimidation in the work site, which had tepid support from the Labor Party. It is why we want to put a tough, industrial cop on the beat of building sites.

The Labor Party's alternative is no ABCC, no Registered Organisations Commission, tepid support for the royal commission and they want to put the fashion police on the work site. The advice that the Labor Party want to give to the CFMEU—which goes a little with the Leader of the Opposition's general philosophy of life, which is that everybody is somebody, which he borrowed from the Traveling Wilburys—and the advice that the Leader of the Opposition wants to give to the CFMEU is that blue and green should never be seen. That is the advice that the Leader of the Opposition wants to give to the CFMEU. We want to say to the CFMEU: abide by the law. We want to restore the rule of law on building sites. The Labor Party says they should not wear their bikie colours when they turn up to construction sites.

Ms Chesters interjecting—

The SPEAKER: The member for Bendigo will leave under standing order 94(a).

The member for Bendigo then left the chamber.

Mr PYNE: He brings these wonderful zingers to this debate, and this one will be 'blue and green should never be seen' or 'the darkest item you should be wearing should be your socks'. That would be the advice he gives to the CFMEU. He should get on board with the ABCC when he gets the chance in the Senate to do so.

Road Infrastructure

Ms SCOTT (Lindsay) (14:39): My question is to the Deputy Prime Minister and the Minister for Infrastructure and Regional Development. Will the Deputy Prime Minister please update the House on how projects like WestConnex will improve travel times and deliver jobs to people in Western Sydney?

Mr TRUSS (Wide Bay—Deputy Prime Minister and Minister for Infrastructure and Regional Development) (14:40): I thank the honourable member for Lindsay for her question, which draws attention again to the vital task of providing infrastructure for the growing areas of Western Sydney. New South Wales suffered from 16 years of underinvestment with the former Labor government. It was 16 years of not getting on with the job. The coalition, federally, has worked with the coalition in New South Wales to turn that around and start getting some of these vital projects for Sydney and the rest of New South Wales underway. As the Treasurer has said, the worst thing that could happen in New South Wales would be some kind of a thought bubble that allowed people to go back to a Labor government after the election in New South Wales. That would mean the end to so many of these critical projects that are making such a difference, particularly in Western Sydney.

The $3.6 billion Western Sydney Infrastructure Plan is providing major upgrades to four of the key trunk routes in the area, as well as investments on local roads. Work is already underway on stage 1 of the $500 million Bringelly Road upgrade, and local projects are about to start or already commenced. This road upgrading will create 8,000 construction jobs in Western Sydney. How important is that to the economy of that region? Projects like WestConnex, which the member referred to, will remove up to 52 sets of traffic lights, cut travel time between Parramatta and Sydney airport by 40 minutes, remove 3,000 trucks a day from the Parramatta Road and half the commute time between the inner west and the city for those travelling by bus. That is significant reform. It is significant investment in infrastructure
delivering real outcomes for local people. The WestConnex project provides 33 kilometres of continuous traffic-light-free motorway to link the west and the south-west of Sydney with the city and the airport and the port. This project will create at least 10,000 jobs in Sydney.

Opposition members interjecting—

Mr TRUSS: It is 10,000 jobs that Labor obviously considers to be unimportant. This is what will make a difference to Sydney's transport task. It is real investment in projects that make a real difference and create jobs that deliver a lasting benefit to the people of Sydney, particularly Western Sydney.

Hospitals

Mr SHORTEN (Maribyrnong—Leader of the Opposition) (14:44): My question is to the Prime Minister. I refer to the Prime Minister's decision to cut more than $50 billion from Australia's hospitals. Can the Prime Minister confirm that, in New South Wales, this is the equivalent of sacking one in five nurses, one in three doctors and closing thousands of hospital beds in public hospitals? Prime Minister, why should the people of New South Wales pay for the Prime Minister's broken promises and the failure of the Premier of New South Wales to stand up to his mate?

Mr Pyne: Madam Speaker, how can it be in order for that question to stand when it so clearly offends section 100 of the standing orders? It is based on an assertion which has not been repeated anywhere at all, it is without any fact whatsoever, and therefore it must be out of order—or at least the Leader of the Opposition should have the opportunity to rephrase it so that it is in order.

Mr Burke: Madam Speaker, I am careful not to use a prop—

The SPEAKER: That is very wise of you.

Mr Burke: But what is being claimed to be an assertion is in fact a budget paper.

The SPEAKER: My concern with the question was not that it was based on an assertion. My concern with the question was that it offended other parts of standing order 100. However, I am going to let the question stand.

Ms Claydon interjecting—

The SPEAKER: The member for Newcastle is not in her seat and may not speak.

Mr ABBOTT (Warringah—Prime Minister) (14:45): I am absolutely delighted to have this question from the Leader of the Opposition because it allows me to tell him and, through him, the people of New South Wales that federal hospital funding to New South Wales grows by eight per cent this year, 10 per cent next year, 10 per cent the year after that and eight per cent in the final year of the forward estimates.

Ms Claydon interjecting—

The SPEAKER: The member for Newcastle is not in her seat and may not speak.

Mr ABBOTT: While I am at it—and perhaps I might pre-empt the next question—schools funding in New South Wales grows by seven per cent this year, eight per cent next year, nine per cent the year after that and six per cent in the final year of the forward
estimates. There will be more money for public hospitals, more money for public schools and, above all else, more money for roads.

Ms King interjecting—

The SPEAKER: The member for Ballarat will desist.

Mr ABBOTT: What has the Labor Party got in store? Labor's infrastructure plan is not about what they are going to build, it is about what they are going to cancel. They are going to cancel the second harbour rail crossing, they are going to cancel the Parramatta light rail and they are going to cancel stage 3 of WestConnex. WestConnex is going to create 10,000 jobs—so that is 10,000 jobs cancelled by members opposite.

Mr Burke: Madam Speaker, I appreciate that you ruled it is as reasonably broad ranging, but the Prime Minister is not mentioning hospitals now at all.

The SPEAKER: There is no point of order. The member will resume his seat.

Mr ABBOTT: But for the debt and deficit that members opposite created, there would be $1 billion every single month in debt interest that this government would not have to pay. We could build a new tertiary teaching hospital in New South Wales every single month with the debt interest that members opposite saddled us with. What is Labor's plan for New South Wales? It is more taxes, more traffic lights and more congestion. If people want a decent New South Wales, there is only one thing to do: don't go back to the Labor Party, you know what that means. Labor in New South Wales was the worst government since the Rum Rebellion and we do not want them back.

New Colombo Plan

Mr MATHESON (Macarthur) (14:48): My question is to the Minister for Foreign Affairs. Will the minister update the House on progress of the government's New Colombo Plan? How has this initiative been received by Australian students, businesses and partner governments in the region?

Ms JULIE BISHOP (Curtin—Minister for Foreign Affairs) (14:48): I thank the member for Macarthur for his question and I know how enthusiastic he is about the New Colombo Plan. Indeed, my colleagues know how enthusiastic I am for the New Colombo Plan. Already this flagship government initiative is succeeding in deepening our engagement with our region—the Indian Ocean and the Asia-Pacific. Already it is ensuring that students are work ready and more Asia literate. This year the New Colombo Plan will support around 3,200 Australian students aged between 18 and 28 to live, study and work in 32 different destinations in our region. Indeed, over 35 countries have agreed to partner the Australian government in the New Colombo Plan.

In response to student demand, I can inform the House that in 2016 the New Colombo Plan will expand to around 100 scholarships of up to 12 months and at least 4,750 of the shorter mobility grants. This will take the total number of students who will receive support under the New Colombo Plan in the first three years of this program to over 9,300. I had higher expectations for the New Colombo Plan but this has even exceeded my expectations. I am delighted to confirm that the New Colombo Plan is receiving really strong regional support from governments, from all of our universities in Australia and also in the region, from businesses and, of course, from students.
I want to pay tribute to the New Colombo Plan team in the Department of Foreign Affairs and Trade, who have been indefatigable in that efforts to ensure that this program is a success.

Mr Pyne: And Education.

Ms JULIE BISHOP: And education—as the ‘fixer’ from education has just reminded me! Let me give you some cameos of some of our successes. Mitsui global chairman Masami Iijima pledged his support for the initiative when Prime Minister Abbott visited Japan last year. Mitsui, for example, has offered Patrick Gan, a commerce student at the University of Western Sydney, a tailored six-week internship in its global headquarters in Tokyo. During this time, Patrick will be mentored by a senior Mitsui executive who has previously worked in Western Australia. Already 12 students from the University of Technology Sydney majoring in business, construction and information technology have undertaken work experience or internships offered by Mitsui. Today Vietnamese Prime Minister Dung will meet with four New Colombo Plan students from the University of South Australia and RMIT. This year, 161 Australian students will study in Vietnam under the New Colombo Plan. The New Colombo Plan is an investment in our young people, an investment in our future, an investment in deeper engagement in our region.

Budget

Mrs ELLIOT (Richmond) (14:52): My question is to the Prime Minister. In his last budget, the Prime Minister cut more than $50 billion from hospitals across Australia, including the equivalent of a $729 million dollar cut to hospitals in the northern New South Wales region. How many doctors and nurses will be sacked from the Tweed Hospital, the Lismore hospital and the Ballina hospital because of the Prime Minister's cuts in his last budget, and how many more will be sacked because of the further cuts the Prime Minister will make in his next budget?

Ms LEY (Farrer—Minister for Health and Minister for Sport) (14:52): I am delighted to take a question from the member for Richmond about health and hospitals funding, and what she says is complete rubbish. From 1 July 2014, the funding guarantees of the National Health Reform Agreement have been removed and new indexation arrangements for Commonwealth funding will come into effect from 2017-18.

The SPEAKER: The member for Ballarat will cease!

Ms LEY: As the Prime Minister said, Commonwealth funding for public hospitals will still grow significantly, increasing by an average of about eight per cent per annum over the next four years, from $13½ billion—

The SPEAKER: The member for Ballarat will desist or leave the chamber. The choice is hers.

Ms LEY: to $18.3 billion in 2017-18. Let us look at Labor's record, because Labor talks the big talk on hospital funding. What we will not do in the Liberal and National parties is fund inefficiency and waste. I remember previous Prime Minister Rudd being so desperate to get the states to sign up to hospital funding and to paint the picture that they were solving the hospital funding crisis that he funded the states on activity, which in a sense you can understand. There is a rationale there: the more activity you get, the more money you get. But he was so desperate for them to sign up that he just put funding guarantees over the top—he
just guaranteed their funding. They did not have to do anything to achieve that funding. It was just sitting there; basically cream off the top.

Unfortunately, we do not have the dollars to allocate from nowhere to fund inefficiency and waste in public hospitals. It is absolutely important that what we get right is the interaction between primary care and the public health system. I met with my New South Wales counterpart, Jillian Skinner, and we talked very constructively about future hospital agreements—

The SPEAKER: The member for Ballarat will leave under 94(a).

The member for Ballarat then left the chamber.

Ms LEY: that actually do save the both the state and the Commonwealth government money so that we reduce that inefficiency in the interface between going into and coming out of hospital. Do not come in here, in the context of a New South Wales election, and talk your rubbish.

The SPEAKER: The member for Lalor is warned!

Asylum Seekers

Mr VARVARIS (Barton) (14:55): My question is to the Minister for Immigration and Border Protection. Will the minister update the House on the success of Operation Sovereign Borders over the last 18 months, and what effect the government’s policies has had on the insidious people-smuggling trade?

Mr DUTTON (Dickson—Minister for Immigration and Border Protection) (14:55): Thank you very much, Member for Barton. Like all people on this side of the House, he is absolutely determined to make sure that we can keep our borders safe and secure.

Today marks the 18-month anniversary of Operation Sovereign Borders, and I would praise the leadership of the Prime Minister, Minister Morrison and all of those people within my department who have contributed to an amazing success story. At the last election, people wanted a government that could secure our borders and they took a decision to toss out Labor and elect this government, because they knew that this Prime Minister had the ability to make the tough decisions to stop the boats.

Bear this figure in mind: over the course of 18 months under Labor, 534 people-smuggling ventures carrying over 35,000 illegal maritime arrivals entered Australia—534 in an 18-month period. Do you know how many have arrived over the course of the last 18 months under the coalition government, under Operation Sovereign Borders? One—one people-smuggling venture has arrived in our country compared to 534.

On the weekend, the deputy leader of the Labor Party said that she would oppose the policy at the core, at the heart, of Operation Sovereign Borders, which has led to this success. What has the Leader of the Opposition done? What leadership has he shown since those words were uttered by the deputy leader? There has not been one word to repudiate the suggestion by the deputy leader of the Labor Party that she would rip the heart out of Operation Sovereign Borders.

Today we are very proud of the success that we have had under Operation Sovereign Borders, and I look back at some of the achievements of Labor ministers when it came to boats, when they were in government. I thought, 'We're celebrating 18 months of success
under Operation Sovereign Borders. What would the Labor Party have celebrated? I look to the member for McMahon's success—he had 24,000 people arrive under his watch; there is not much you could trumpet out of that, but I guess it was not 25,000. If you look to the member for Gorton, he had 12½ thousand people. The member for Watson is my favourite: he had 5½ thousand people but he was only in that position from July to September. He had cause for some celebration, because he got to day 5 and no boats had arrived. There was lots of excitement in his office, as I understand it, because they had drafted a press release. They thought: on the Sunday, on the seventh day, we will issue a release saying, 'We have been able to stop boats for seven days.' Can you imagine their despair when on Saturday, on the sixth day, the first boat arrived under his watch. They could not go six days without a boat arriving. Labor is hopeless when it comes to border protection, and this Leader of the Opposition has no capacity to lead this country when it comes— (Time expired)

Secretary of the Department of Agriculture

Mr SHORTEN (Maribyrnong—Leader of the Opposition) (14:58): My question is to the Prime Minister. On 18 September 2013, the Prime Minister described Dr Paul Grimes PSM, Secretary of the Department of Agriculture as having a distinguished career. But two weeks ago, the Prime Minister sacked the same person, citing some issues between the secretary and his minister and a poor relationship of mutual confidence between them. Prime Minister, what were the issues that caused this poor relationship, and what was the contribution of the minister to this; or is the secretary taking 100 per cent of the blame?

Mr ABBOTT (Warringah—Prime Minister) (14:59): I would like to quote from the statement that was issued when Dr Grimes left. It says:

'I would like to acknowledge the longstanding contribution of Dr Grimes to public administration in this country at the Commonwealth, state and territory levels. And, as for everything else, it has been dealt with in previous answers to this House.'

Mr Shorten: Madam Speaker, a point of order: the Prime Minister was not relevant to the question to explain the role of the minister.

The SPEAKER: There is no point of order. The Prime Minister has finished answering his question.

Employment

Mr WHITELEY (Braddon) (15:00): My question is to the Assistant Minister for Employment. Will the minister update the House on how the government's reforms to the employment services system are reducing red tape? And how will this reduced red tape allow providers to better support job seekers?

Mr HARTSUYKER (Cowper—Deputy Leader of the House and Assistant Minister for Employment) (15:01): I thank the member for his question and note his commitment to creating opportunities and jobs for the people he represents in the great state of Tasmania. And I can inform the House that when we came to government we inherited an employment services system that was mired in red tape, not meeting the needs of job seekers and not meeting the needs of employers. In fact, employment providers were telling me they were
spending up to 50 per cent of their time filling out forms rather than doing what they were supposed to be doing: getting people into work.

I am pleased to report that we have already cut more than $30 million in red tape from the employment services system. We have allowed electronic record keeping, removing the need to keep duplicate paper records. We are using data matching with the Department of Human Services, dramatically reducing the need for providers to contact employers to verify employment—a saving of some $13.8 million in red tape. We have made changes to the reporting of noncompliance within the system, providing for $5.3 million in savings in red tape. And from 1 July there will be a new employment services system, a more streamlined system with less red tape and less paperwork. We will implement five-year contracts, a measure that has long been called for by the industry, dramatically reducing the amount of disruption that occurs when new contracts are let. We have streamlined the guidelines to provide simpler and clearer guidelines for providers, and we are providing for better use of information technology so that it is more effective for job seekers, more effective for employers and easier to use for providers.

As part of this reduction in red tape we are ensuring that safeguards remain so that the government money that is spent on this large government expenditure on employment services is appropriately safeguarded. A system with less red tape means that our employment service providers are spending more time with their clients and are better able to assist them on their journey from welfare to work. We are improving the system. Members opposite, when they had the opportunity back in 2012, squibbed it. They retained a system that clearly was not working as well as it should. We are not squibbing it. We are implementing a new system that will get more people from welfare into work.

Minister for Agriculture

Mr FITZGIBBON (Hunter) (15:03): My question is to the Minister for Agriculture. I refer him to his answers during question time yesterday regarding the sacking of the secretary of the Department of Agriculture. I also refer him to an article today by Courier-Mail journalist Dennis Atkins, in which he says:

His dissembling in Parliament just makes it look like he's got something to hide.

Will the minister now give a full and frank account of his meeting with the secretary on October 27 last year in which the changes to his Hansard were clearly raised?

Mr JOYCE (New England—Minister for Agriculture) (15:04): I thank the member for Hunter for his question. Might I say that this answer has been dealt with by the Prime Minister, properly dealt with by PM&C. And, to be honest, if the best he's got is an article written by Dennis Atkins—if that is as proficient as you can be—then, mate, you haven't got much at all.

Environment

Mrs McNAMARA (Dobell) (15:05): My question is to the Minister for the Environment. Will the minister update the House on the progress of the government's Green Army Program? And how is the Green Army delivering environmental benefits and preparing young Australians for work?

Mr HUNT (Flinders—Minister for the Environment) (15:05): I want to thank the member for Dobell, who is a great practical environmentalist. And, indeed, with this question she has
matched the entire output of questions from the entire Labor Party front and back bench in relation to the environment over the last 18 months. She is 55 times more productive than the average Labor member when it comes to questions on the environment. But, more than that, this is a question about a practical environmental program that is rolling out, as it was intended, ahead of schedule and bringing real benefits to the environment without the chaos of the pink batts program, the green loans program, cash for clunkers—which of course was one of Bill's favourites—and no doubt the citizens assembly. So, there is contrast here about how environmental programs can be rolled out.

Where are we at now? There are 117 projects on the ground. Already over 20 of those have been completed around the country. We said we would achieve 250 projects, or 2½ thousand young people on the ground by 30 June. In fact, we expect to beat that number and be well ahead of it. We have already announced 548 projects over the next year and a half. These are practical projects for real delivery right around the country. That includes, for example, Richmond, where we have 13 projects; Cunningham, six projects; and Maribyrnong, five projects. The Leader of the Opposition is welcome to get up and get out of his office and come and see the work of young people in his electorate on the ground. I do not think he has been. We would like to see him there. He is welcome at any time.

That brings me to what we have seen in the electorate of Dobell. Projects at Tuggerah Lakes and The Entrance have been involved in removing lantana, improving vegetation and rehabilitating the landscape. What have young people said? At the recent graduation, Nick Portelli from the member for Dobell's electorate, said: 'The training was great. The supervisor was confident. The team enjoyed great dynamics and worked well together.' This is about giving young people the opportunity to work in the environment, to develop skills and to give themselves a future. At a recent graduation that I attended a young man, Daniel, who was previously unemployed and had low motivation, said, at the end of it: 'I now have a job. I'm working in my chosen area of landscape gardening. Without Green Army I would not be the person that I am.' At the end of the day, these are real jobs making a real difference to young people and the environment, and you can compare what we have done with Green Army with what he did with pink bats.

Mr Abbott: I ask that further questions be placed on the Notice Paper.

DISTINGUISHED VISITORS

The SPEAKER (15:09): Before the members depart the chamber, I would just like to say that we have had a number of mayors who have been present with us today in the chamber. Five of them come from the Geelong G21 delegation. We hope they have enjoyed the stay with us at question time.

BILLS

Defence Trade Controls Amendment Bill 2015

Returned from Senate

Message received from the Senate returning the bill without amendment.
The SPEAKER (15:09): I report No. 22 of the Selection Committee relating to the consideration of committee and delegation business and private members business on Monday 23 March 2015. The report will be printed in today's Hansard and the committee's determinations will appear on tomorrow's Notice Paper. Copies of the report have been placed on the table.

The report read as follows—

Report relating to the consideration of committee and delegation business and of private Members' business

1. The committee met in private session on Tuesday, 17 March 2015.
2. The committee determined the order of precedence and times to be allotted for consideration of committee and delegation business and private Members' business on Monday, 23 March 2015, as follows:

   **Items for House of Representatives Chamber (10.10 am to 12 noon)**

   **COMMITTEE AND DELEGATION BUSINESS**

   **Presentation and statements**

   **1 Joint Standing Committee on Migration:**

   *Inquiry into the Business Innovation and Investment Programme.*

   The Committee determined that statements may be made—all statements to conclude by 10.20 am.

   **Speech time limits—**

   Mrs Markus—5 minutes.

   Next Member—5 minutes.

   [Minimum number of proposed Members speaking = 2 x 5 mins]

   **2 Standing Committee on Health:**

   *Skin Cancer in Australia: Our National Cancer.*

   The Committee determined that statements may be made—all statements to conclude by 10.30 am.

   **Speech time limits—**

   Mr Irons—5 minutes.

   Next Member—5 minutes.

   [Minimum number of proposed Members speaking = 2 x 5 mins]

   **PRIVATE MEMBERS' BUSINESS**

   **Notices**

   **1 MS MCGOWAN:** To present a Bill for an Act to amend the Charter of Budget Honesty Act 1998, and for related purposes. *(Charter of Budget Honesty Amendment (Regional Australia Statements) Bill 2015)*

   (Notice given 17 March 2015.)

   Time allotted—10 minutes.
Speech time limits—
Ms McGowan—10 minutes.

[Minimum number of proposed Members speaking = 1 x 10 mins]
Presenter may speak to the second reading for a period not exceeding 10 minutes—pursuant to standing order 41.

2 MR TEHAN: To move:

That this House notes that:

(1) Melanoma March takes place this month and will involve hundreds of Australians around the country participating in community walks to raise awareness of melanoma;
(2) 12,500 Australians are diagnosed with melanoma each year and 1,650 of those are diagnosed with advanced melanoma;
(3) advanced melanoma kills more than 1,500 Australians each year—this is one death every six hours;
(4) melanoma is:
   (a) the most common cancer in young Australians aged 15 to 39 and those diagnosed with advanced melanoma have a median survival of only 8 to 9 months;
   (b) estimated to be the third most commonly diagnosed cancer in Australian males in 2014 (7,440 cases), after prostate and colorectal cancer; and
   (c) also estimated to be the third most commonly diagnosed cancer in Australian females (5,210 cases), after breast and colorectal cancer; and
(5) advanced melanoma costs hundreds of millions of dollars each year.

(Notice given 16 March 2015.)

Time allotted—40 minutes.

Speech time limits—
Mr Tehan—5 minutes.
Other Members—5 minutes each.

[Minimum number of proposed Members speaking = 8 x 5 mins]

The Committee determined that consideration of this should continue on a future day.

3 MR THISTLETHWAITE: To move:

That this House:

(1) acknowledges the devastation caused by Cyclone Pam on the people of Vanuatu, Tuvalu and Kiribati;
(2) recognises the enormous destructive force of Cyclone Pam and notes the loss of life and destruction caused including:
   (a) damage to 90 per cent of Port Vila homes and entire villages across the archipelago;
   (b) displacement of 45 per cent of Tuvalu's population and significant destruction of the outer islands of Tuvalu; and
   (c) severe damage on three of Kiribati's southern islands:
(3) recognises the:
   (a) enormous effort that will be required by governments and non-government emergency teams to find those missing from the disaster; and
   (b) huge task now facing our friends in the Pacific to rebuild and repair following the devastation of Cyclone Pam;
(4) acknowledges the international effort to provide assistance to Vanuatu; and
(5) calls on the Australian Government to monitor the situation closely and to work with the
governments of Vanuatu, Tuvalu and Kiribati to provide timely and appropriate further assistance as
needed.

(Notice given 16 March 2015.)

Time allotted—remaining private Members’ business time prior to 12 noon.

Speech time limits—
Mr Thistlethwaite—5 minutes.
Other Members—5 minutes each.

[Minimum number of proposed Members speaking = 8 x 5 mins]

The Committee determined that consideration of this should continue on a future day.

Items for Federation Chamber (11 am to 1.30 pm)

PRIVATE MEMBERS’ BUSINESS

Notices

1 MR IRONS: To move:
That this House:
(1) notes that:
(a) the previous Labor Government introduced more than 21,000 additional regulations in five and a
half years and as a consequence, Australia:
(i) ranked 128th out of 148 countries for burden of government regulation according to the 2013
World Economic Forum Global Competitiveness Index; and
(ii) came second last in a 2012 ranking of productivity growth by the Economist Intelligence Unit;
(b) the Government has a deregulation agenda to cut $1 billion in green and red tape each year;
(c) on 26 March 2014 the Government held the first ever red tape repeal day, removing over 10,000
pieces and 50,000 pages of legislation and regulation saving over $700 million in compliance costs; and
(2) commends the Parliamentary Secretary to the Prime Minister for his effective management of the
Government’s deregulation agenda.

(Notice given 16 March 2015.)

Time allotted—40 minutes.

Speech time limits—
Mr Irons—5 minutes.
Other Members—5 minutes each.

[Minimum number of proposed Members speaking = 8 x 5 mins]

The Committee determined that consideration of this should continue on a future day.

2 MS HALL: To move:
That this House:
(1) recognises:
(a) that Brain Injury Awareness Week will be held from 9 to 15 March 2015;
(b) that over 700,000 Australians live with a brain injury; and
(c) the work done by the Bouverie Centre in conjunction with the Victorian Department of Human
Services to improve services provided to people with acquired brain injury; and
(2) calls on the Government to:

(a) provide more services to accommodate people with a brain injury; and

(b) develop a national scale partnership similar to the partnership seen in Victoria which helps people with a brain injury, and their family members.

(Notice given 25 February 2015.)

Time allotted—30 minutes.

Speech time limits—

Ms Hall—5 minutes.
Other Members—5 minutes each.

[Minimum number of proposed Members speaking = 6 x 5 mins]

The Committee determined that consideration of this should continue on a future day.

3 MRS PRENTICE: To move:

That this House:

(1) notes that:

(a) 24 March is World Tuberculosis Day (WTD);

(b) WTD is a designated WHO global public health campaign and is an annual event that marks the anniversary of the 1882 discovery by German Nobel Laureate, Dr Robert Koch, of the bacterium that causes tuberculosis;

(c) tuberculosis is contagious and airborne—it ranks as the world's second leading cause of death from a single infectious agent and left untreated, each person with active tuberculosis disease will infect on average 10 to 15 people every year;

(d) the theme for WTD in 2015 is 'Reach, Treat, Cure Everyone';

(e) in 2013, 1.5 million people died from tuberculosis worldwide with 40 per cent of deaths occurring in countries in the Indo Pacific region;

(f) Papua New Guinea has the highest rate of tuberculosis infection in the Pacific, with an estimated 39,000 total cases and 25,000 infections each year;

(g) the prevalence of multidrug-resistant tuberculosis continues to increase worldwide—rising from 450,000 cases in 2012 to 480,000 cases in 2013, with more than half of multidrug-resistant tuberculosis cases found in our region; and

(h) tuberculosis is:

(i) the leading cause of death among HIV positive people—HIV weakens the immune system and is lethal in combination with tuberculosis, each contributing to the other's progress; and

(ii) considered to be a preventable and treatable disease, however current treatment tools, drugs, diagnostics and vaccines are outdated and ineffective; and

(2) recognises:

(a) Australia's resolve to continue to work towards combating the challenge of tuberculosis in the region and the need for discovery, development and rapid uptake of new tools, interventions and strategies as recognised in the WHO End TB Strategy;

(b) the WHO End TB Strategy was endorsed by all member states at the 2014 World Health Assembly and aims to end the tuberculosis epidemic by 2035;

(c) the Australian Government funding of health and medical research is helping to bring new medicines, diagnostic tests and vaccines to market for tuberculosis and other neglected diseases; and
(d) the ongoing support for research and development of new simple and affordable treatment tools for tuberculosis and multidrug-resistant tuberculosis is essential if the WHO End TB Strategy goal is to be met.

(Notice given 17 March 2015.)

Time allotted—30 minutes.

Mrs Prentice—5 minutes.

Other Members—5 minutes each.

[Minimum number of proposed Members speaking = 6 x 5 mins]

The Committee determined that consideration of this should continue on a future day.

4 MR ZAPPIA: To move:

That this House:

(1) congratulates the Australian researchers at Monash University and Amaero Engineering Pty Ltd who created the world’s first 3D printed jet engine;

(2) recognises that:

(a) Australia has a history of punching above its weight when it comes to research and development; and

(b) huge opportunities are available to create new advanced manufacturing jobs and industries with the right government support for our science, research and manufacturing sectors; and

(3) condemns the Government’s shortsighted approach to science, research and industry policy, where it has:

(a) cut $878 million from science and research, including $115 million from the CSIRO;

(b) recklessly undermined the Australian auto manufacturing sector, risking the loss of millions of dollars annually of investment in research and development;

(c) failed to support the shipbuilding industry by refusing to guarantee that the 12 future submarines will be built in Australia which would lead to millions of dollars of investment in research and innovation; and

(d) introduced enormous uncertainty for innovative businesses conducting Australian research and development, with retrograde changes to the Research & Development Tax Incentive that sees the removal of the benefit for expenditure over $100 million and a reduction in the rate of the offset by 1.5 percentage points for all firms across the board.

(Notice given 3 March 2015.)

Time allotted—30 minutes.

Mr Zappia—5 minutes.

Other Members—5 minutes each.

[Minimum number of proposed Members speaking = 6 x 5 mins]

The Committee determined that consideration of this should continue on a future day.

5 MR LAMING: To move:

That this House:

(1) acknowledges that:

(a) the cruise liner industry makes a significant contribution to the regional economies of Sydney, Fremantle, Brisbane and Melbourne;
b) sulphur dioxide emissions are a significant source of air pollution from cruise liners docked at ports in Australia and are harmful to human health; and

c) by 2020 the cruise liner industry will implement new measures to reduce sulphur dioxide emissions from cruise ships docked at ports under the International Convention for the Prevention of Pollution from Ships; and

(2) calls on the cruise liner industry to introduce measures ahead of 2020 to reduce sulphur dioxide emissions from cruise liners docked at ports near residential areas including through the use of low sulphur diesel fuels.

(Notice given 17 March 2015.)

Time allotted—remaining private Members’ business time prior to 1.30 pm.

Mr Laming—5 minutes.

Other Members—5 minutes, each.

[Minimum number of proposed Members speaking = 4 x 5 mins]

The Committee determined that consideration of this should continue on a future day.

DOCUMENTS

Presentation

Mr PYNE (Sturt—Leader of the House and Minister for Education and Training) (15:10): Documents are tabled in accordance with the list circulated to honourable members earlier today. Full details of the documents will be recorded in the Votes and Proceedings.

PERSONAL EXPLANATIONS

Mr BURKE (Watson—Manager of Opposition Business) (15:10): Madam Speaker, I wish to make a personal explanation.

The SPEAKER: Do you claim to have been misrepresented?

Mr BURKE: I do.

The SPEAKER: Please proceed by way of indulgence.

Mr BURKE: In question time today, the Minister for Immigration and Border Protection referred to alleged actions of my previous ministerial office during my first week in the portfolio. Every word was made up and entirely fictitious.

MATTERS OF PUBLIC IMPORTANCE

Budget

The SPEAKER (15:10): I have received a letter from the honourable member for McMahon proposing that a definite matter of public importance be submitted to the House for discussion, namely:

The government's commitment to deep cuts which hurt every Australian.

I call upon those 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 BOWEN (McMahon) (15:11): The Australian people know that this is a government completely out of touch with the needs of working Australians and pensioners. They know how heartless this government is. They know how this government completely
misunderstands the impact of their own decisions. They know this Treasurer completely misunderstands his own policies and the impact they have on the Australian people. They know that this Treasurer puts together policies which impact on them and then he does not understand the impact of his own actions. They know all this because the Treasurer has told them. They know all this because the Treasurer has laid bare his lack of understanding of the impact of his own decisions.

He told them that poor people do not drive cars. He told them that if poor people have cars they do not drive them very far. He told them that the GP tax does not apply to people with a chronic illness. He told them that the GP tax was only the cost of a couple of middies—an insult to the Australian people. What an insult the Australian people this Treasurer and this Prime Minister and this entire government are. The Australian people know how heartless they are. They know how out of touch they are. They know how they do not understand the impact of their own policies. But the Australian people say to this government, 'At least be confident as you go about your program of cuts to us.'

What we get from this government are cuts and chaos all at the same time. The alibis change. The narrative changes. Everything changes accept the cuts. We get the changing stories over the course of one interview, or one day, or one week. We get the changing alibis and excuses for their actions, but at its heart the government strategy remains the same: make those who can least afford it pay the cost for their policies. The prejudice remains the same and the result remains the same. We have seen it the over the last day or so. Remember we have been told how dire everything is, because that pesky Senate will not rubber-stamp their broken promises. We are told regularly how bad things are, how we are heading towards cataclysm for our economy, and then we are told something different. We were told today by the Prime Minister: 'Well, we've made a lot more progress than people think. Actually, things are all right, because the Intergenerational report apparently tells us that with everything that has been passed we get back to balance in just five years.' It is okay; the Intergenerational report says it. 'No problem,' we are now told. 'Nothing to see here.' 'Move along,' says the Prime Minister. The fact that there are 40 years of deficits after that—'Oh well, don't worry about that. We wouldn't worry about that, because everything is fine now.'

No wonder the Australian people are confused by this government's economic narrative, because they are confused themselves. Former Treasurer Peter Costello, says, 'There are mixed messages here from the Prime Minister and the Treasurer.' If Peter Costello cannot work it out, no wonder the Australian people say this government is not up to it. This Treasurer in particular is simply not up to it. He is not up to the task before him, the task entrusted to him by the Australian people. He is incompetent as he goes about his chosen project of cutting from the Australian people and from Australian families.

We had the Prime Minister say today: 'Don't worry about it; we're back at balance within five years.' When the Treasurer was asked, 'When will we be back to balance? When will we back to surplus?' he said, 'I'm not putting a date on it. I couldn't possibly put a date on it!' Again, we have dysfunction between the Prime Minister and the Treasurer. The one thing though—to give the government credit—that is always consistent, is its attack on low- and middle-income earners. That is the one thing that never changes when it comes to this government. Everything else changes—the stories change, the alibis change, the excuses change and the blame game changes, but the answer is always the same: 'Those who can least
afford it will pay,' says the Treasurer. That is what he says. That is his one consistent narrative. He says to the Australian people, to Australian working families and pensioners: 'You will pay.'

I want to spend a minute talking, in particular, about the pensioners of Australia. We had the Treasurer at the dispatch box yesterday telling us how much he respects taxpayers. 'I respect taxpayers,' he said. How about a bit of respect for Australia's pensioners, people who worked hard all their lives. How about not telling Australian pensioners that they are leakers. They are not leakers. The Treasurer's own report—written by the Treasurer himself—tells us something very interesting about Australia's Treasurers. Do you remember how many times we have been told by the Treasurer that the Australian age-pension system is unsustainable? He makes himself out to be the hero. 'I'm making the pension sustainable by cutting it,' he tells us. But what does this report tell us about the age pension? This highly-political document contains three scenarios.

One of those scenarios is previous policy. While this is a complete dodge by the government, I am proud to say that the previous policy, included in this report, is the Labor government's: fair indexation for the age pension; fair indexation for Australia's pensioners who worked hard all their lives. This report tells us how much that policy will cost, how much fair indexation of the age pension will cost over coming years. It tells us that it will cost 3.6 per cent of GDP by 2054-55. That is 3.6 per cent of Australia's GDP. I say Australia's pensioners are worth that. I say it is fair when the OECD average cost for pension systems is 7.8 per cent. I think Australia can afford 3.6 per cent. I think Australia's pensioners have worked hard all their lives. They have lifted all their lives and deserve that support.

We, when in office, commissioned a review. That review found that CPI, inflation, was a woefully inadequate indexation measure for the age pension. So we said: no. We will have three measures to improve the age pension. One will be average weekly earnings, one will be the CPI and one will be a basket of goods that pensioners primarily buy. That is fair.

We saw the Prime Minister in a shameful performance, in the House, earlier this week say: 'Under your system, under the Labor Party system, Australia's pensioners would be worse off.' That was blatantly untrue. It was clearly and undeniably untrue, because the pension goes up by the highest of those three measures under our policy. It is a policy we will defend in this House, and that house across the country, because it is a fair one.

Forty years ago a Prime Minister we recently mourned said to the Australian people, 'As Australia grows and prospers, Australia's pensioners should share in the prosperity.' He introduced a link to average weekly earnings for males. He said, 'As Australians earn more, pensioners should earn more.' He indicated new government policy to link the pension to weekly earnings of 25 per cent.

Before we hear from members opposite that this was unsustainable and unaffordable and typical Whitlam spending, let us remember that this policy was continued by his successors. They were Malcolm Fraser, Bob Hawke, Paul Keating, John Howard, Kevin Rudd and Julia Gillard. They all continued that policy. In fact, the previous Labor government said, 'We can do better than 25 per cent. We can lift that to 27 per cent, because Australia's pensioners deserve it.'
All this remained bipartisan policy for 40 years, until this Prime Minister and this Treasurer—without a skerrick of a mandate—said to Australia's pensioners: 'You do not deserve that. You do not deserve to share in Australia's prosperity. You do not deserve to share in Australia's wage growth. We will institute a policy that will see your pension fall to 16 per cent of average weekly earnings.' It is shameful that without a skerrick of honesty, without a word of a mandate and without one indication to the Australian people that this would be the case they implement the policy. They tell us what the policy is eight months after the election. How dare this Treasurer lecture others about when they should release policies when he released his policies eight months after the last federal election, when he stood there and delivered the federal budget.

There are facts. Australia has the second-lowest spending on age pension as a percentage of the economy in the OECD and has the second-highest level of poverty, for people over 65, in the developed world. We said in office that we can do better. That is why we increased the age pension and improved the indexation. It is also why we made it easier for Australians to save for their own retirement through superannuation, why we increased the superannuation guarantee to 12 per cent and why we gave low-income earners a fair tax concession, which this government has abolished and is proud of abolishing.

On Monday night the Treasurer said, 'I'm always cautious when taking money off people.' No, he is not—not when they are low-income earners and not when they are people who have worked hard all their lives. He calls them leaners, but they are not. They have been hard workers and they deserve this parliament to defend them. He deserves this parliament to stand up for them. Only half this parliament does, and they all sit on this side of the chamber. We will defend pensioners in opposition and we will defend and improve them in government as well. (Time expired)

Mr FRYDENBERG (Kooyong—Assistant Treasurer) (15:21): I will start with a quote: 'If you don't know where you're going, any road will get you there.' That quote did not come from George Costanza. That quote did not come from Jerry Seinfeld. That quote did not come from Bob—

A government member: Justin Bieber?

Mr FRYDENBERG: or Justin Bieber. That quote came from the Leader of the Opposition. It goes to the heart of this debate, which is that those opposite do not know where they are going. They have no economic narrative, no economic policies and no economic direction.

If we look at the action that we need to take now in government, it all goes back to repairing the debt-and-deficit legacy that was bequeathed to us by those opposite.

When Labor came to government at the end of 2007, they were given a pristine balance sheet. There was $50 billion in the bank and a surplus of $20 billion. We had paid back $96 billion of Labor debt. We had created two million jobs and we had seen real wages growth of above 20 per cent. But, after six years of the chaos and dysfunction of the Rudd, Gillard, Rudd governments, we inherited a balance sheet which was in a total mess. Debt was heading on a trajectory towards $667 billion. The interest bill for the Australian people—for every man, woman and child—was heading to $1 billion a month and growing over time to $3
billion a month. In fact, the total debt bill for every Australian man, woman and child was going to head towards $25,000.

The reason that Labor left this mess was that they are addicted to spending. They did not know how to say no. Even though income increased by 22 per cent when Wayne Swan was the Treasurer, we actually saw income increase but spending grow even faster. The OECD looked at 17 advanced economies and found that Australia’s spending growth was the fastest amongst those 17 advanced economies. Independent advisers like the Parliamentary Budget Office, the Commission of Audit and the Governor of the Reserve Bank said that we were on the wrong trajectory, but Labor is addicted to spending.

It is really interesting to listen to the member for McMahon. The member for McMahon said in one of his interviews:

... I completely agree and accept that the next election will be a choice and it will be as much about the alternative vision that the Labor Party provides as the failings of the Government. The Australian people are over the magic pudding Santa Claus economics—

Well, do you know who believes in magic pudding economics? It is the professor of ouzo economics. He loves magic pudding economics and so does the Leader of the Opposition. The member for Hughes has very kindly pointed me in the direction of Norman Lindsay’s *The Magic Pudding*. I opened it up at page 18 and found that it sums up Labor’s economic policy:

'My word,’ said Bill, … ‘You have to be as smart as paint to keep this Puddin’ in order—

said Bill—

'That's where the Magic comes in,’ explained Bill. 'The more you eats the more you gets.'

That is the essence of the Labor Party's economic policy: ‘The more you eats the more you gets’—because the more you spend the more you think you save. It does not work. We got the carbon tax—a slug of $550 on every Australian household. We got the mining tax, which was expected to produce more than $50 billion and ended up producing just over $300 million. We had the boat disaster, which led to more than 50,000 people coming, an $11 billion bill to the Australian taxpayer and, dare I say it, the tragedy of more than 1,000 people dying at sea. That was the legacy of the Labor Party, including 21,000 cheques which went to dead people along the way.

We have been left to clear up this mess, whether it has been their broadband, where in just the six years Labor were in office they spent $7 billion and only reached three per cent of the targeted homes. We have had to fix up that mess. We have had to stop the boats and remove people from detention. We have had to abolish the carbon tax and we have had to abolish the mining tax. In fact, the *Intergenerational report* says that, when it comes to repairing Labor's debt and deficit legacy, we are actually making significant headway. We were on a trajectory over the next 40 years where debt and deficit was to reach 122 per cent of GDP or $5.6 trillion. As a result of our legislated measures—not our proposed measures; our legislated measures—we have reduced that to under half. We have passed around 80 per cent of our budget measures, but we still have a long way to go. We have around $30 billion worth of savings stuck in the Senate because those opposite are refusing to support them, including $5 billion worth of savings that they took to the last election.

As a result of our policies we are starting to see some green shoots across the Australian economy, with economic growth of 2.7 per cent in 2014. It was under two per cent under you
in 2013. We have seen job advertisements at the highest level in 28 months. We are creating 600 new jobs a day. In fact, when we look at retail numbers, we see that they have been going up for eight consecutive months. Housing starts are very strong. In New South Wales we are seeing housing starts at the strongest they have been for some time. We are rolling out infrastructure projects in every state, except those where the Labor state government are ripping up contracts like the East West Link in Victoria and seeing 7,000 jobs disappear overnight—vitaly, 7,000 jobs which the state of Victoria needs.

Today we had a very good policy announcement—to reverse the cash grab by those opposite of unclaimed moneys. They went against all logic and put their hands into people's savings account and said that moneys in inactive accounts would be identified as unclaimed moneys after three years of inactivity instead of after seven years. We have reversed that change made by the Labor Party—which was also a recommendation of David Murray's financial systems inquiry. We are also putting better privacy provisions in place and we are also excluding the children's accounts and accounts in foreign currencies from the unclaimed moneys regime.

We are also today celebrating our third repeal day. It has been so successful as a means of reducing Labor's red tape. In fact, Labor gave us 21,000 additional regulations and, as a result of the measures put in place by people on this side of the House, we have removed more than 50,000 pages from the statute books. We have removed more than 10,000 pieces of regulation and legislation and we have made it easier for small business, for big business, for individuals and, importantly, for the not-for-profit sector.

We are making a really important headway in fixing up Labor's mess. What we have to guide us is the Intergenerational report. The IGR told us that not only are we paying back Labor's debt and deficit at a record rate but we are also living longer and seeing our incomes rising. The key to Australia's successful future will be about boosting productivity and boosting participation. One of the things we need to do is get more seniors into the workforce. That is why we have really positive proposals, plans and policies, like the Restart program, which actually incentivises employers to take on senior Australians.

Also, we will be putting out our child care and families package, because we want to see more women get into the workforce. Right now, we are about six points behind where Canada is in terms of the percentage of eligible working age women who are in the workforce. We need to bring more women into the workforce, because that will produce a $25 billion productivity dividend for the Australian economy.

**Opposition members interjecting—**

**Mr FRYDENBERG:** To those on the other side who are heckling I want to finish on this point. Those who are heckling have long-term experience in the union movement, and if you want to know of one way to boost productivity and growth in Australian economy, it is about bringing back the Australian Building and Construction Commission. The Australian Building and Construction Commission was effectively the cop on the beat. If we are able to bring back the ABCC it will lead to a $6 billion annual productivity dividend for the Australian economy and it will see more jobs created.
The motion moved by the member for McMahon goes against all the evidence of the successful policies we have put in place: paying back Labor's debt; on the road back to surplus; and on the road to a stronger Australian economy.

**Mr HUSIC** (Chifley) (15:31): Member for Kooyong, you are in an alternative reality. In fact there were moments there I thought he was channelling his inner comical Ali when he was telling us how good the economy was going. The economy was going so great the Reserve Bank Governor decided to give you an early Christmas present. He decided to give you a little shave off interest rates to kick the economy along, because it was going so great! It is unbelievable, Member for Kooyong—Assistant Treasurer Member for Kooyong—that you could believe the economy is going that well.

When the RBA appeared before the House of Representatives Economics Committee we asked them about this. Oil prices have fallen, fuel prices are falling, and the Australian dollar is falling in value relative to the US dollar. You would think that would supercharge the economy and be a great thing. It was not enough. Those two things, which would normally kick the economy along, were not enough. What did the Reserve Bank look at? They looked at the forecast of where the economy was going and decided to change their position and say that no longer would there be stability in rates—they had to cut it. They had to cut it because the economy is going nowhere fast. One of the biggest reasons for this is that there is a failure to invest. Business will not invest. They keep telling the RBA, 'We will not invest until we see consumer sentiment change.' What was the biggest hammer to consumer sentiment in the last 12 months?

**Ms Butler:** What was it?

**Mr HUSIC:** It was their budget that killed consumer confidence in this country.

**Ms Butler interjecting—**

**Mr HUSIC:** One of the worst budgets indeed, Member for Griffith. In fact, when you look at a household on roughly $60,000 to $65,000 a year losing $6,000, it is no wonder they will not spend. It is no wonder that confidence is down. When people are confronted with the prospect of a GP tax, with the prospect of $100,000 university degrees, when you see all the changes to supporting the young jobless, when you see, for example, all of the things that are being done to pensions, it is insane that you could have those opposite saying that the economy is going great. You can only say that here. They would never say this outside, because no-one would believe them. Everyone knows that the economy is in a funk and that the people opposite are doing nothing to repair it.

To be fair to them, we expected too much. When they said they would be an adult government it was not reality; it was an aspiration. That is what they were aiming to be.

**Mr Giles:** They will grow up one day.

**Mr HUSIC:** That is right—one day they will be an adult government. The first half of their term in government has been all about cuts. The only thing they have is cuts, tearing thins down and wrecking things.

**Mr Bowen:** Wreckers, not builders.

**Mr HUSIC:** Indeed. They make cuts to Medicare, sell of Medibank, tear down everything they see, and then when they have nothing left what do they turn to? They turn to the IGR.
This is a great work of fiction. In fact, I have added this to my '100 pieces of fiction you must read in your 150 years'! This is great work. It is excellent stuff.

Mr Giles: 250.

Mr Husic: Yes, 250—I can imagine how big it will be then. This is fiction. This is a political document designed to advance propaganda rather than a serious attempt to look at what should be done. If it were a serious attempt to look at what we should do as people are aging, you would make sure that they have a sustainable retirement income. There's an idea. Look at everything they have done in the first half of their term. It has been: cut pensions; cut the superannuation guarantee contribution; cut the size of future national savings; get rid of the low-income superannuation contribution; and make sure that the wealthy are looked after as superannuants—those who are on $2 million of superannuation savings. And what was the other contribution? The other contributions in terms of improving retirement savings was given by the Treasurer, who floated the idea that we should drain superannuation to pay for housing, which was another bizarre proposal by a government that is basically at its heart full of contradiction. Its messages conflict with each other. There is no certainty about what they propose to do. The only thing you can bank on with this government is that they will cut, they will make life harder for people, they will break promises and they will continue to do that in this upcoming budget, which will just be a budget of cuts and chaos.

Mr McCormack (Riverina—Parliamentary Secretary to the Minister for Finance) (15:36): The good old National Party. Great to see the member for Richmond over there—a lover of the National Party. Good to see the member for Wakefield over there—and that he has lasted this long. But it is always a pleasure to see the member for McMahon sitting there right opposite me. In this matter of public importance the member for McMahon talked about Labor's record as opposed to our record. Of course, he was the immigration minister, and in the financial years July 2010 to June 2013 he was a bit like Helen of Troy, the face that launched a thousand ships. In his case it was not quite 1,000, but 602—38,096 illegal boat arrivals came on his watch.

But let's talk about a few other members of the Labor Party front bench. We have the member for Grayndler, who promised roads but could not and would not fund them. Luckily, the Deputy Prime Minister, the member for Wide Bay and the Nationals leader, is getting on with the job of doing what the member for Grayndler could not do. The member for Watson pinched water from my farmers and other irrigation farmers in other electorates too—kept buying it back. He made farmers account for every single drop of water, but then wanted to buy all this water back and did so for the environment which they knew they could never deliver. Then we had the member for Lilley—debt and deficit were his trademarks, absolutely.

I am so glad that the Assistant Treasurer and the Prime Minister today announced that we, the coalition, are going to deliver on our commitment to improve the way unclaimed money in banking accounts and life insurance policies is managed. The member for Maribyrnong, when he was the Minister for Financial Services and Superannuation in 2012, in the previous government, reduced the period of time that inactive bank accounts were declared unclaimed from seven years to three years.

I have this report from the Hervey Bay Independent. On 31 May 2013, it wrote:
The family of a 95-year-old Hervey Bay pensioner who had $50,000 forfeited from a bank account because it hadn't been used for seven years is warning others to be aware of the laws.

Craignish resident Jan Powell said she was shocked last week when she went to check the status of an account her mother Doris Osborne opened in 2002 established to pay her own funeral costs, and found the balance had gone from $49,000 to—what do you think, member for Lyne or member for Page?

Dr Gillespie: Zero.

Mr Hogan: Zero.

Mr McCormack: That is it, zero—from $49,000 to zero. And we heard from the Treasurer today talking about the unclaimed money—$550 million. The member for Oxley was yelling out, 'Where are you going to account for that?' But it was 156,000 bank accounts. It is theft. It is absolute theft.

You talk about the Labor Party and the live cattle ban. On the night of 7 June 2011, the $700 million a year live cattle trade was stopped—just like that—because of a Four Corners show on the Monday of the previous week. What an absolute disgrace. You look at the Leader of the Opposition, the member for Maribyrnong. He is shallow; he is see-through; he is superficial. The Australian public are on to that. They are absolutely on to that. He is quick to criticise but offers absolutely no alternative. His party is divided. The member for Sydney wants his job, and he only offers weak leadership.

This government are listening. We are getting on with the job. We have scrapped the carbon tax. We have scrapped the mining tax. We are building the roads of the 21st century—Warren Truss is doing a great job of that.

What have we got opposite? We have a Labor Party who do not ever actually tell us how they are ever going to fund anything. They come out all the time and they carp and whine and carry on about everything, but they never offer any financial alternative as to how they are going to pay for anything. We know what they are going to do. They are going to up taxes. They are going to reintroduce the carbon tax. They are going to do all of those things which hurt families and which hurt business. There is nobody on that side who has ever really run a fair dinkum business. We know that. We are the party of business people.

Ms Butler: The National Party!

Mr McCormack: The coalition are building a strong and prosperous economy—yes; the National Party, member for Griffith. We, the coalition, hold the record of the largest infrastructure spend in Australian history. We know that the education minister is a fixer. He is a fixer. In fact, there are 89 other fixers, apart from the Minister for Education and Training, on this side because we are fixing the debt and deficit legacy left by that side opposite.

By investing in infrastructure, by building the roads and the water infrastructure of the 21st century, we are creating jobs, opportunity and reward. We are getting on with the job of restoring this country to the great country it can and will be after it was left almost in ruin by those opposite.

Mrs Elliot (Richmond) (15:41): It is always interesting to be following the member for Riverina, and that series of tall tales he put to us. It is like he is living in rainbow land along with the rest of the National Party. When they go home and people ask them questions
about why they made these massive cuts and why they increased taxes, I wonder what they say to them? I wonder what they say when people ask them about their petrol tax and their cuts to pensions? It is always nice to hear that little piece of fantasy that they present to us. As I say, they are all living in rainbow land. In my area, in the North Coast of New South Wales, that is why they cannot be trusted. Everyone knows that. They just cannot be trusted because of their broken promises.

The fact is that this government's unfair budget and cruel cuts have been devastating not just for the nation but also for regional areas like mine, the electorate of Richmond. The deep concern now is that this year's budget will be just as deep and just as cruel and just as unfair because of this government's massive mismanagement. Everyone knows they are in utter chaos; they cannot manage anything at all. There are real concerns that there are going to be just as severe cuts in this year's budget. All we are seeing from this government today—whether it be here in MPIs or in question time, or throughout the day—is chaos, mismanagement, conflicting narratives and backflips on a whole range of issues. Today, the Prime Minister said that the government will get back to broad balance by 2019-20. This, quite frankly, means the commitment to the same cuts that were in last year's budget. All we get is a series of bad decisions from a bad government. It just keeps on going.

Locals in my area have every right to feel betrayed by this government, and in regional areas of course that betrayal is by the National Party. A Liberal-National government continue to relentlessly attack the standard of living of Australians by cutting pensions and cutting family payments, slashing services and increasing taxes—hurting, of course, the most vulnerable in our community.

Indeed, before the election, we had all these promises made that there would be no changes to pensions, health care, GP tax and no cuts to education. After the election all those promises were broken. It was an unprecedented attack on the living standards of millions of Australians. The fact is, since the Liberal-National Party's unfair budget last year, locals in my area have had to deal with so many cruel measures like those cuts to pensions and health and aged care cuts as well, yet all we keep seeing now is more of the chaos.

I will move to health cuts because this is something that has really impacted people in my area. Firstly, we recently had the Prime Minister claiming that the GP tax is now dead, buried and cremated. Locals in my area know that you cannot trust Liberals and especially the National Party when it comes to health care and hospitals. We also have, at the moment, the state government out there trying to blackmail people seeking some small amount of funding for their hospitals. They are saying, 'You will only get this if you agree to the sale of electricity assets.' Can I tell you, a lot of people are saying that this is the reason they are not trusting the National Party, because they are selling electricity assets, which will push up electricity prices.

But back to the GP tax. Regardless of what the Prime Minister or health minister have announced, we know that the GP tax will be back—make no mistake about it. It is not gone. It is not buried. The Prime Minister said he is committed to it. This is all about the Liberal-National Party destroying Medicare and destroying bulk-billing because this is their agenda. Part of this attack also includes the $50 billion to be slashed from the hospital funding agreements.
You will recall, Mr Deputy Speaker, that I asked the Prime Minister today in question time specifically about those $50 billion worth of cuts and how they will impact on my electorate. Do you know what he did? He refused to answer. Do you know why he refused to answer? It is because he is weak and running scared. The Prime Minister is weak and running scared and would not answer my question about how his $50 billion cut will impact on hospitals on the north coast of New South Wales.

One of the cruellest cuts is the one to the age pension. Again, we had the Prime Minister and his candidates running around all over the country—in my area it was National Party candidates—saying, 'There'll be no cuts to pensions. There'll be no changes there.' Of course, when they got into office, we saw huge changes with their cuts to pensions.

But it got worse over the weekend. We saw some changes. What they say now is that they only want to index the pension by the consumer price index. The fact is that, under Labor, the pension was indexed by whichever was the higher of wages, the consumer price index or the pensioner index that Labor introduced. This was to make sure that pensions kept up with the general standard of living of all Australians. This is just the government's latest mean trick.

There was such an array of cruel cuts and unfair methods brought in with the last budget. Many people have real concerns that this year's budget will be just as bad. People have no faith in this government. They think the government are cruel and unfair and that all they seem to introduce are a series of mean and unfair tricks. As I have said, all we see from this government is chaos, conflicting narratives and backflips on a range of issues. I am constantly told by people in my area that they do not trust the National Party. Whether it is at the federal level or the state level, they do not trust them one bit because we constantly get bad decisions from bad governments. The fact is that this is a government with a commitment to deep cuts which are hurting every Australian.

Mr CRAIG KELLY (Hughes) (15:46): It is a great pleasure to speak on this matter of public importance on the subject of every Australian. On the debate we are having in parliament and the media today about cuts, I would like to make an analogy. Imagine there is a house where the gardens are neat and the lawns are mowed. It is neat and tidy inside. The furniture is all in good condition. All the bills are paid and up to date. Then a rogue tenant moves in and, over a period of six years, he has a series of wild parties. He invites all his mates around and he absolutely trashes the place. Finally, after six years, he is evicted. On the way out, he barricades the door and he sets fire to the place. Then this rogue tenant arsonist walks across the road, sits on the other side in the gutter. As the fire brigade rolls up, he starts to heckle. As the fire brigade comes up and parks on the grass, he yells out, 'Don't park there! Look at the mess they're making on the grass.' The fire brigade have to knock down the door that has been barricaded. The rogue tenant sitting in the gutter on the other side yells out, 'Look at the damage they are doing to the door. Look at the mud that they are walking through on the carpet. Look at the water damage they are causing to the house.' That is an analogy of exactly what the Labor Party's governance did to this nation during their six years in government. For six years, the Labor Party trashed the governance of this country and trashed the budget, so every single cut should be hoisted back on the Labor Party.

Let me give you some facts and figures. During the period from the last coalition budget in 2007-08, a Costello-Howard budget, to the final Labor budget of 2013-14, there was no problem with income. Income actually increased during that period of six years by $68
billion. There was a 23 per cent increase in revenue flowing into the government because we had the mining boom and record commodity prices. We had record prices for our coal and our iron ore, so we had that 23 per cent increase. The problem was not on the revenue side; it was on the expenditure side. That is because the Labor government in that period of six years increased government spending by over 50 per cent. There was a 50 per cent increase in expenditure. We know where it went. It went into the billion dollar blow-out in border protection, the pink batts, the green loans, the $900 cheques to the dead and the set-top box program. I could go on and on. I would need several hours to list all the waste and reckless, politically motivated expenditure of Whitlam-esque proportions of the previous Labor government.

That resulted in turning what was money in our national accounts into a net debt of $245 billion. That comes at a cost. The cost is the interest that we now have to pay on that debt. This year it is a $13.5 billion cost to the budget. The fastest increasing expenditure that we as a government face is the interest on Labor's debt. It was previously zero; it is now $13.5 billion. That works out at $560 for every man, woman and child in this country. For the average household of four, that is $2,200. That is just the interest bill on Labor's debt. We have to work out where that money is going to come from.

We in this country have a choice. There are two things we can do. We can work together as a parliament to work out how we can bring our budget back into balance, because we are currently spending 10 per cent more than we collect in revenue. The members on the other side want to continue to borrow money and steal from future generations of Australians. That is their plan—to have the debt paid by our children and grandchildren. Shame on them. Shame on every single one of them for stealing from our children and grandchildren by running up debt through reckless and wasteful spending. They should admit the reason for the cuts is their reckless and wasteful spending, and we should work together to get this budget back into balance.

Ms CLAYDON (Newcastle) (15:51): How interesting it is to listen to members opposite. I am reminded of an often-said saying that the definition of insanity is doing something over and over again and expecting a different result. Time and time again we have seen the government commit to a course of action—to be more precise, it is usually little more than a thought bubble—only to expect that they will deliver some different result each time. But it is the same old mistakes. They are stuck on an ideological treadmill that they just cannot stop. There is one thing you can always be sure of: whatever proposal this government puts forward will be absolutely deeply embedded on a path to austerity. It is about cuts—it is about cuts on cuts—that hurt every man, woman and child in Australia. No sleight of hand and no amount of re-badgeing, re-branding and re-booting from this government is ever going to conceal their steadfast commitment to making life harder for every Australian.

This is a government of broken promises. It has torn up the social contract with the Australian public. Indeed, the list of broken promises is truly astonishing. Having completely trashed the social contract that previously existed with the Australian people, this government has now completely wedged itself to this very conservative ideological agenda of austerity. This is an agenda that sees cuts to education, cuts to health, cuts to family payments, cuts to science and the arts, cuts to the ABC and SBS, cuts to the environment, cuts to the Human
Rights Commission, cuts to overseas aid, cuts to social services, cuts to legal services, cuts to Indigenous affairs, cuts to the pension, and the list goes on and on and on.

Let's face it: the government are hell-bent on forcing through these cuts in whichever way they can. They are making decisions that are more reflective of concern for their own jobs than for the jobs of Australian men and women out there. And completely mixed messages are being bandied around in this parliament about whether we are in a budget emergency or not, or whether they are now going to crank up net debt again by 15 per cent, which is a matter of fact since they took government. The Treasurer claimed that he would deliver a surplus in his first year and every year—that is what he was claiming out there—but we now hear that the budget may never, in fact, get back to surplus. This Prime Minister claims that the budget is going to be broadly in balance within five years, I see. But who are we to believe here? I would probably prefer to listen to Peter Costello, who was on 7:30 recently. He said: 'I think there's a bit of a conflicting narrative there.' Peter Costello really hit the nail on the head. The Prime-Minister-in-waiting, the member for Wentworth, agrees that the message has not been all that clear or respectful either, and he knows a thing or two about messaging. But the problem is that the spin, the deception and the conflicting narrative is the centrepiece of this government, so there is nothing but an incoherent economic agenda for people to listen to.

According to the Prime Minister, the Intergenerational report was meant to reset the debate, but all we have seen since its release are new spending commitments and policy backflips. Is the industry assistance package to car makers finished, or is it happening again? Is it $900 million, is it $500 million or is it just $100 million? Are we building submarines in Australia, Japan or Europe or, indeed, somewhere else altogether? It depends on where the Prime Minister needs to shore up his votes for his own job, I would suggest. And, on so-called health policy, we have this government's attacks on Medicare. Are we dealing with version 1, 2, 3, 4 or 5 of their GP tax—who knows? (Time expired)

Mr JOHN COBB (Calare) (15:56): It is interesting to look at what the member for McMahon's matter of public importance actually says. The government of which he was a minister, in various portfolios including Treasury and immigration, brought about the reason for our government's commitment to responsible economic management, which we have no choice about. We have to do it, because it had not been done around here for the previous six years.

The shadow Treasurer could be referred to as the tax-free threshold expert. The tax-free threshold, which he was unable to recall recently in a very public way, is not one that he had to reach back into time for. It was not a Howard government threshold; it was one put up by his own government—perhaps not when he was Treasurer, but not that long before it. For a budding Treasurer wanting to be reincarnated as that again, it was not a very big thing to remember. We have to question the memory of the opposition in general, because without doubt the reason we have to make cuts is not to hurt people; these cuts are not going to do anything except lower the cost of living for families. I think the memory loss that the member for McMahon and his colleagues have is that they left us with the situation we are in. They left a high cost of living and a huge debt, which has to be serviced. I remember how shocked the small business sector was at the 2010 election when we went around explaining that the
The Rudd-Gillard government was borrowing around $110 million a day just to service their borrowing and their spending. It was quite amazing.

I will take the member for Riverina up on one thing—he may be right, but I actually thought the member for Watson would have nearly challenged the member for McMahon as somebody who sent boats off into the sunset, because he was also the minister for immigration. I think it is prophetic that the minister for immigration who solved this issue when it first arose in around 2001 or 2002 is in the House with us today—the member for Berowra. He was the most successful immigration minister of all time. When this became a huge issue he solved it. Even with that lesson not very long before them, the member for McMahon and the member for Watson vied with one another to see who could cross Australia the most. I will not go into what was the cost of that, in more ways than one.

I thought it was very apt when the member for Watson became minister for immigration, because he was a refugee of the first order. Here is a member of the far Right in New South Wales. He is a protege, you could say, of Eddie Obeid and Joe Tripodi. He is a member of that same group, let us be honest about it. I think they must have known what was coming and said, 'Tony, you go down to federal parliament. Get out of New South Wales.' He was in the upper house in New South Wales in those days. They said, 'Tony, you go down and show the feds have a New South Wales Right runs things.' He did come down here. When you are trained by Joe Tripodi and Eddie Obeid there are a lot of things you know that the rest of us do not, and do not want to either. I thought he was the right person to be the minister for immigration. Perhaps the member for Riverina is right when he says that the member for McMahon probably did spend more and did see more boats come in, but it was a close run thing. They were neck and neck. That was a mere $10 billion or $11 billion over budget.

Those guys know how to spend. It is a very easy, quite pleasant, thing to do. But in the history of Australia, nobody ever spent as much money, as quickly and with so little return as the Rudd-Gillard government. It is not easy to spend that much that quickly. (Time expired)

Mr LAURIE FERGUSON (Werriwa) (16:01): Many previous speakers in the debate on this MPI on the government's commitment to deep cuts have detailed the national picture: a 6.3 per cent unemployment rate, meaning that 770,000 Australians are without employment; a youth unemployment rate of 14.4 per cent; and the collapse of business confidence. The unemployment figure I cited is the worst since 2002, when the current Prime Minister was concentrated on employment as the minister responsible.

I will talk today on a more regional basis. Some of these issues affect some areas of Sydney more than others. When he made his infamous statement that poor people do not drive cars, it might have been a credible position for the member for North Sydney, privileged with taxpayer subsidised public transport and living very close to the Sydney CBD.

But for people in south-west Sydney, distant from employment and with a great dependence on cars to get to work every day, it is a very different scenario. The budget cuts by the government are having a far greater impact on my region. In Claymore the previous federal government was working with the state government of New South Wales to bring social mix into housing so we did not have reservations of government sponsored housing. We have a situation where the $50 million cut over four years in the hospital agreement means that at Campbelltown 400 patients use the after hours GP service. Its potential closure will lead to...
mass stress on the hospital. Physicians who have resigned are not replaced. We have a
significant number of doctors acting in their position. In the growth areas of Sydney, every
day of the week I and my two colleagues over there, the member for Macarthur and the
member for Hughes, see new housing developments going on. It is quite clear that funding is
not keeping pace with the expanding population. It is all right to talk about Liverpool Hospital
being the biggest in the Southern Hemisphere—

Mr Matheson interjecting—

Mr LAURIE FERGUSON: The member for Macarthur interjects. The only competition
in the Campbelltown state seat at the New South Wales election is who is more pro the Labor
candidate. I think he is more pro the Labor candidate for Campbelltown than I am! There
have been cuts to preventive health programs. That will affect conditions such as diabetes.
Surveys show that in the Macarthur region and south-west Sydney people suffer from that
more seriously. A $60 million mental health unit promised by the previous government has
been scrapped. The members for Macarthur and Hughes know that it is far more vital to have
that unit in our region than elsewhere. Organisations such as Beautiful Minds, Macarthur
Disability Services and Autism Australia lead their fields in this country, because there is a
need.

Only one trade training centre has been established in the electorate; 12 have been
scraped. This is an area where, historically, the number of people going to TAFE colleges—

Mr Matheson: Two.

Mr LAURIE FERGUSON: Two, is it? So it is two, and 12 have been scrapped. You are
on the ball there: 12 have been scrapped. TAFE education has been more crucial in this region
than in other parts of Sydney. The state government changes increasing the cost of courses
and reducing the hours of instruction have been accompanied by a massive cut by the federal
government of $1.5 billion in vocational education and training throughout the country. That
is having a very real impact in suburbs such as Holsworthy, Liverpool, Macquarie Fields and
Ingleburn. I hope people recognise that for the upcoming state election.

The government wants to deregulate university fees. This is another area where location is
crucial. The University of Western Sydney, because it has some social conscience, because of
the nature of its creation, has agreed to hold fees. It will never be able to compete with the
other universities in Sydney when attracting students. The status of that university will
decrease very substantially because of the changes the government is trying to make.

Whether it is a cut to legal aid, the Medicare Locals or the trade training centres or whether
it is pensioners being hit by a new way of assessing increases to their pension, the government
say, 'Well, you know, it's not mean to accomplish a decrease in their pension.' Of course it is!
That is their whole budgetary proposal. So when they say that they will go into a surplus, we
know that what is being put in the so-called backburner for a while—deregulation of the
universities; a commensurate, massive increase in student debt and the amount of money they
will have to pay to go to university; and the cuts in health. The Minister for Health is still
talking about the need for a cost signal so that poor people will not go to the doctor's too
often. We know that the Prime Minister has refused, basically, to say how he is going to
accomplish his surplus, throwing back to the opposition that somehow we have to write a
budget for him. (Time expired)
Mrs GRIGGS (Solomon) (16:06): Can you believe the hide of those opposite? The Australian public inherited a $667 billion debt from the six years they were in government—the six longest years I can remember of any government. A debt of $667 billion, and they are here today to criticise the government—a government that is trying to fix the problems they created. Mr Deputy Speaker, you know as well as I do that those opposite know how to spend the country's money—they know how to spend on the country's credit cards; they know how to create dodgy programs that not only waste money but have much deeper consequences.

What do they do when it comes to making the tough decisions? What do they do when it comes to getting things in order? Well, we know: they say, 'No.' They say: 'No, no, no.' It is no wonder that the member for Maribyrnong is no longer called the Leader of the Opposition; he is now known on this side as Dr No. He always has a cunning plan but is never willing to make the tough decisions—he does have evil plans, but I digress.

Mr Turnbull: And clever tricks.

Mrs GRIGGS: And clever tricks, yes, Minister. We have an Intergenerational report that says that we have serious financial trouble and it says that we need to take some serious steps to avoid the massive destabilising in times to come. We on this side are prepared to do all the hard yards to make some tough decisions in the best interests of our country. I know all too well the electoral effect of hard decisions, but they have to be made today in order to avoid the catastrophic effects in years to come.

Those opposite would not lift one little finger to help reform higher education, would they? My good friend and the good friend of the member for Dobell, the minister, Mr 'Fix-it' Pyne, is trying to make the sector sustainable, but what does he get from those opposite? He gets Dr No—and 'No, no, no, no.' This is from the same party that doctored the higher education budget figures before the election in 1996. Sometimes I wonder whether the truth is in permanent short supply when those opposite approach the dispatch box. But I do not wonder about the fact that I am so thankful that the nightmare six years of the Rudd-Gillard-Rudd era have come to an end. The worst of the lot of them—

Ms Butler interjecting—

Mrs GRIGGS: You are not in your seat and so you should not even be speaking—

Mr Husic: That was a cutting point.

The DEPUTY SPEAKER: The member for Chifley will be silent.

Mrs GRIGGS: I am quite entitled to remind the Speaker and point out that the member is not in her seat. She does it all the time—she is a serial offender. The worst of it is Dr No can only say 'No' to anything sensible. No, no, no. He has difficulty in saying 'Yes'. We know that he has no answers for this year that was supposed to be the year of ideas and the year of opportunity, that Labor promised to give us. What have they given us? Only no, no, no. You can still hear it in the interjections—'No, no, no'. It is amazing that all I can hear is 'No, no, no'. That is the sound ringing in my ears. I look forward to seeing the minister, Mr 'Fix-it' Pyne, get back to looking at the higher education area because he is going to fix this problem. He is Mr Fix it, and Mr 'Fix-it' Pyne is actually going to fix it.

Opposition members interjecting—
Mrs GRIGGS: You guys gave him the name, and we gladly take it. He finds a problem and he fixes. He is going to be known in this case as Minister 'Fix-it' Pyne. Thank you, guys. We think that is a great title, because we know that he is actually going to deliver. He is not like those on the other side who can only say, 'No, no, no'. We know that Minister Pyne will fix the system because it is broken and it absolutely needs to be fixed.

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Human Rights Committee
Report

Mr RUDDOCK (Berowra) (16:12): Today I do have a report, and on behalf of the Parliamentary Joint Committee on Human Rights, I present the committee's 20th report to the 44th Parliament, entitled 'Human Rights Scrutiny Report', and I do ask leave of the House to make a short statement in connection with it.

Leave granted.

Mr RUDDOCK: This is the first occasion on which I have tabled, on behalf of this committee as its chair, a report. I have succeeded my colleague in the Senate, Senator Deane Smith, whom I thank for his leadership, for the work that he has done and for his assistance to me. I also thank the member for Werriwa, Mr Laurie Ferguson, as deputy chair; I know that he has tabled reports previously. I would like to spend a moment to say that the committee is served by Ivan Powell as its Acting Committee Secretary, Matthew Corrigan, Zoe Hutchinson, Anita Coles, Dr Patrick Hodder, Alice Petrie and an external legal adviser, Professor Simon Rice, OAM. I mention the staff because the committee is well served; it has a great deal of professional advice in assisting mere members in understanding the international human rights treaties, to which we are a party and their potential implications. Given that I have previously been the Attorney, that I am a lawyer and that I do have some views on this matter, it has perhaps presented them with some more challenging moments, because I have sought to have an understanding of what are competing human rights. I have mentioned some in other debates—the right to life and, in terms of proportionality, the right to privacy. Sometimes we have to look at rights and laws have to protect those rights, but sometimes ensuring that you are able to protect all of them becomes very difficult. There are competing demands and there are issues of proportionality, and some people have differences of view about what might be proportionate. That has made for some vigorous discussion before the committee in relation to some measures that might interest the minister at the table.

This report provides the committee's view on the compatibility with human rights as defined in the Human Rights (Parliamentary Scrutiny) Act 2011 of bills introduced during the period 23 February to 5 March 2015, and legislative instruments received during the period 13 to 26 February 2015. The report includes consideration of legislation previously deferred by the committee, as well as responses to issues raised by the committee in previous reports. Of the 19 bills considered in this report, 13 are assessed as not raising human rights concerns, and six raise matters requiring further correspondence with ministers. The committee has deferred its consideration of the remaining bills. There are no instruments listed in this report raising any human rights concern.

This report includes the committee's consideration of the Attorney-General's response to the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014—
as I said, it may interest the minister, who introduced that bill. The committee's initial analysis of the bill acknowledged the fundamental and legitimate interest of government in ensuring that there are adequate tools for law enforcement agencies to ensure public safety and the ability for victims of crime to have recourse to justice. Having accepted the important and legitimate objectives of the bill, the committee raised a number of issues going to the proportionality of the scheme in support of that objective. The Attorney-General's response provided further information in response to the committee's initial scrutiny analysis. Some members—and I might say, it was the majority of members—considered the Attorney-General's advice addressed many of their concerns, while some other members remained concerned about the proportionality of the scheme proposed. The difference of views within the committee reflects, I think, the inherent difficulty in assessing proportionality. Nevertheless, the report provides a useful assessment for members of the bill's compatibility with our international human rights obligations.

This report also includes the committee's scrutiny of the Migration Amendment (Maintaining the Good Order of Immigration Detention Facilities) Bill 2015. This bill raises a number of questions about whether the powers in the bill, as currently drafted, are appropriately circumscribed. Reference is made in the statement of compatibility to a number of safeguards around the use of force which are to be included in policies and contracts with immigration detention service providers, but which are not included on the face of the legislation. The committee intends to write to the Minister for Immigration to ask him to provide further information as to whether the bill, as currently drafted, is compatible with a number of human rights, to help inform the committee's examination of the bill for compatibility with human rights.

I also wish to make some brief remarks about the Defence Trade Controls Amendment Bill 2015. It includes a number of statutory exceptions to offences which reverse the evidential burden of proof. In doing so, it limits the presumption of innocence, which usually requires the prosecution to prove each element of the criminal offence beyond reasonable doubt. Of course, reverse burden offences will not necessarily be inconsistent with the presumption of innocence provided they are within reasonable limits and are necessary. While the committee accepts that the offences in this bill seek to achieve a legitimate objective, it is concerned that it may not be reasonable to impose an evidential burden on the defendant in relation to all of the matters set out in the proposed defences. In particular, the bill would require a defendant to raise proof that a country is one that is specified in a legislative instrument or that a country is a participant in certain groups, such as being a partner in the Missile Technology Control Regime. This does not appear to be, in the committee's view—or, I might say, in mine—a reasonable reversal of the burden of proof, as such matters would seemingly be more properly within the knowledge of the prosecution, rather than the defendant. The committee intends to write to the Minister for Defence to bring to his attention the committee's human rights concerns with this aspect of the bill, so as to help inform the committee's examination of the bill.

In conclusion, this report outlines the committee's examination of the compatibility of these bills with our human rights obligations. I encourage fellow members and others to examine the committee's report to better inform their consideration of proposed legislation. With these
comments I commend the Human rights scrutiny report: Twentieth report of the 44th Parliament to the House.

Report made a parliamentary paper in accordance with standing order 39(e).

**BILLS**

**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.

The **DEPUTY SPEAKER (Hon. BC Scott)** (16:20): The question now is that the amendment be agreed to. I call the honourable member for Swan in continuation.

**Mr IRONS (Swan)** (16:20): I rise to continue from where I left off in this debate earlier today. The importance of our law enforcement agencies being able to access this information cannot be undervalued, but the issue they are currently faced with is that the telecommunications service providers across Australia are progressively reducing the amount of time they retain metadata, including some service providers changing their retention time frames from one year—which in this government's law and enforcement agencies' view still is not long enough—to as little as three months. This is largely because much metadata relates to a consumer's telephone or internet billing account, which telecommunications service providers destroy once they are no longer needed—for example, because the bill has been paid by the account holder.

The key aim of this bill is therefore to remove this impediment to our law enforcement agencies' ability to investigate criminal activity by creating an obligation for Australia's telecommunications service providers to retain this important data for a minimum of two years, which is in line with recommendations made in the committee's June 2013 Report on the inquiry into potential reforms of national security legislation. This two-year minimum retention period was also further endorsed in the committee's issued recommendations on this bill, which were released last Friday and endorsed in full by this government on Tuesday. This two-year retention obligation is needed to ensure that this data is not lost to our law enforcement agencies prior to a crime being brought to their attention—as has been the case in recent times: this has impeded a number of investigations and has prevented the successful prosecution of alleged criminals. I iterate the example which the Minister for Communications outlined in his second reading speech, regarding a child exploitation case in the United Kingdom where investigations relied heavily on access to telecommunications data...
to positively identify 240 suspects, which led to 121 arrests and convictions. This compares to
377 suspects believed to be in Germany—which does not have a data retention regime—
where only seven suspects were able to be identified and there was not enough evidence to
arrest or convict a single person.

Metadata plays a central role in a number of law enforcement investigations, including
counter-terrorism, cybersecurity and organised crime. As I have previously highlighted,
access to metadata as part of these investigations is not new. This bill does not seek to change
or increase the type of metadata that the telecommunications service providers collect or that
law enforcement agencies are able to access. The government only wants to see it retained for
a longer period of time.

I note that the media hype surrounding these laws since their introduction in this place has
put a large focus on the use of metadata for counter-terrorism purposes. Although it is
important to highlight the importance of these measures for international security purposes, I
do, however, also believe it is important to highlight that the retention of this data can assist
our law enforcement agencies in so many other capacities, including removing those heinous
criminals from our streets who seek to pervert our children and steal their innocence, as the
Minister for Communications has also emphasised. These are people who, in my mind, are
the worst form of humans to walk this planet.

The prevalence of child abuse and exploitation, not just in Australia but around the world,
is something that members would have heard me discuss before in this place and is something
that I have been proactive in raising awareness of as part of my aim to achieve zero abuse of
children. As members would know, child abuse can take many forms. It has the ability to
impact every person differently, both in the short and long term. Child abuse can occur
through neglect, sexual abuse, physical abuse or emotional abuse. On Sunday, I read an article
in The Weekend Australian which further reiterated my belief that this government and
communities across Australia need to do more to protect our children. One way I believe this
can be achieved is through the provision of metadata to get these abhorrent individuals off our
streets. I read an article entitled, 'Aussies at centre of online child-sex surge,' with dismay,
revulsion and anger. As the article states:

AUSTRALIA is witnessing an explosion in online child sex exploitation, including a growing number
of child sex abuse films being produced locally.

It goes on to state:

The Australian Federal Police has recorded a 54 per cent rise in reports of online child exploitation in
the past 12 months, with a record 5617 cases directly involving Australians. This figure does not
include those cases dealt with by state police.

Despite this sickness that I, and I am sure other members, feel when hearing these statistics—
and when understanding the mental and physical impact this exploitation and abuse may have
had on each of the children involved in the 5,617 cases the AFP have recorded—I do take this
time to highlight how metadata has assisted these officers to progress their investigations and
to remove these deplorable people from our communities.

In this same article in The Weekend Australian, the AFP stated that metadata has:

… played a central role in 87 per cent of child-protection cases in the first quarter of 2014-15 and this
had allowed investigators to more quickly and accurately identify offenders.
As highlighted by the Attorney-General yesterday, the AFP has also advised that between July and September of 2014 telecommunication data was used in 92 per cent of counter-terrorism investigations, 100 per cent of cybercrime investigations and 79 per cent of serious organised crime investigations. These figures demonstrate that there is a serious need for Australia's law enforcement agencies to have access to this data. I believe members would agree that the proof of its value is evidenced by the amount of people who are sitting behind prison bars rather than being able to walk freely through our communities and commit more crimes.

As I have previously mentioned, under the provisions of the bill before the House, telecommunications service providers would be required to keep a consistent and minimum set of metadata records for two years. Concerns have, however, been raised that the bill before the House could in some way allow more organisations to access metadata, which may create a greater potential for a person's privacy to be breached. This is despite the bill, in fact, ensuring quite the opposite. This is because metadata can currently be accessed by a range of organisations, including local governments and the RSPCA. But the bill before the House will instead strictly limit and reduce the range of agencies that are able to access metadata to a prescribed list of criminal law enforcement agencies. This provision has now also been further strengthened following yesterday's endorsement by this government of the committee's recommendation to have this list of agencies specified in the legislation. This ultimately created an additional safeguard for cases where the government may seek to add an additional agency to this prescribed list.

As the government's response to the committee's report highlighted, the government does, however, require flexibility in these matters to ensure additional criminal law enforcement agencies are able to be added quickly and efficiently where necessary. The government has, therefore, proposed to endorse the committee's recommendation with an amendment that the Attorney-General will be able to declare additional criminal law enforcement agencies subject to the Attorney-General being satisfied on reasonable grounds that the functions of the agency to be declared include the enforcement of criminal law, administering a law imposing a pecuniary penalty or administering a law relating to the protection of the public revenue. In addition, the current list of agencies will be amended to include the Australian Securities and Investments Commission and the Australian Competition and Consumer Commission as criminal law enforcement agencies for the purposes of accessing metadata.

With respect to privacy, concerns have also been raised that there is not enough detail about how this metadata will be protected while it is being retained, and the processes for how this data would eventually be destroyed once the retention period has lapsed. The government has endorsed the committee's recommendation in this area, confirming that we will amend the bill to include an obligation to encrypt and secure data retained where possible, as part of the service provider's data retention implementation plan.

Another concern raised by the community and the media is in relation to the cost of implementing this initiative, both to the government and to telecommunications service providers, with the total cost expected to be between $188.8 million and $319.1 million. As outlined in the government's response to the committee's recommendation to make a substantial contribution to the up-front capital costs of the implementation, the government
had previously stated that it would make a reasonable contribution and has recommitted to this in its response.

Lastly, another key concern that I would like to take this opportunity to respond to is the media industry's claim that this bill will impede journalists' protection of sources and challenge the principle of press freedom. In this regard, I highlight that the government will move an additional amendment to require agencies to obtain a warrant if they want to use metadata to identify journalists' sources, to ensure greater safeguards are afforded. The government has also endorsed the committee's recommendation in this area to have a separate review by the committee that responds to the question of how to deal with the authorisation of the disclosure or use of telecommunications data for the purpose of determining the identity of the journalist's source.

In all, there is no conspiracy here, as previously suggested by the member for Griffith, who said that this is all Labor's work. I have to deny that. This is just protection and I commend to the House the bill's intent to increase this protection even further.

Mr HUSIC (Chifley) (16:30): It has been a long march towards this legislation. A number of years have now passed. We, actually, in government, had started looking at this issue. I remember having concerns then, as I do now, and I have been up-front all along about the impact of this type of legislation. I am not alone; the member for Wentworth, now Minister for Communications, has expressed his concerns in times past. He has not been the only one on his side of the fence or, certainly, on our side of the fence—for a number of reasons.

I have, however, attempted in this process to have an open mind. I have said all along that I remain to be convinced about the need to undertake the breadth and scope of what is being proposed in this legislation and in legislation past. I waited for the committee report and went through it, and I commend my colleagues on that committee—in particular the shadow Attorney-General and shadow communications minister—for the work that they have done in proposing a number of changes to what was put forward by the government last year. Having said that, I think it is only fair, right and proper, particularly given that we are told that parliamentary oversight will be a feature of this system in years to come, that I exercise my ability as a parliamentarian to express some concerns and ensure that, in due course, they are addressed along with other concerns expressed by colleagues in this chamber on either side of the House—some expressed publicly; others expressed privately.

In saying that, and recognising that there are deep feelings and concerns, I think it is important to come back to this point about having an open mind. There will be people who will not be convinced whatsoever about the need to do what is being proposed by this legislation. There will also be people on the other side of the argument who refuse to be convinced that those concerns are valid. However, we have a responsibility to find the midway point, and I think it is important to recognise, along with the concerns, that there are some things that will be done by this legislation that are important. My concerns relate to the scope and the effectiveness of what is being proposed, they relate to the cost and the impact on telecommunications companies and they also relate to the adequacy of parliamentary oversight.

Having said all that, having read the report and having seen the comments of law enforcement, I recognise most certainly that law enforcement will benefit from having access to metadata—there is no denying that. For people to not accept that is to ignore reality. I
certainly appreciate the capacity to try to determine the undertaking of criminal behaviour and who is responsible for it and the ability of metadata to provide some assistance in that. I certainly recognise that and I think it should be appreciated. We also need to recognise that, for law enforcement agencies trying to undertake their important work, times have changed. We do not have the plain, simple telephone networks of old. We do not chase down facsimiles. We have a multitude of platforms and we have an explosion in the growth of data, which will continue to grow at phenomenal rates down the track. I do note the concerns of law enforcement agencies about their degraded capacity to keep tabs on that. This is important; we cannot deny it. So, certainly, when it comes to law enforcement, I appreciate the benefit.

But when it introduced this legislation, and in the lead-up to the introduction of the legislation last year, the government’s foundation stone for this legislation was national security. I humbly suggest that that is contestable. The notion that this will have major benefit from a national security perspective is, I think, a contestable claim and needs to be tested. If the argument is that metadata will help identify and thwart terrorism suspects, you also need to recognise that the terrorism threat has evolved. We appreciate that, now, we do not have actors that are in sophisticated, complicated, collective activity; what we have now and what is a serious threat to us is isolated, unstable individuals who determine all of a sudden to do something. They will not have necessarily communicated with others, though I do accept that there is the possibility that they would have been in contact with others, but largely that may be sporadic. They may be under the age of 18. They may have been influenced improperly by what they have seen on social media or other outlets and have decided to act on their own. There should be a degree of caution about whether or not we conclude that these measures would have prevented the types of attacks that we have seen in the last 12 months.

This is not something that I just pluck out of the air; it is actually contained in the report. At 2.57 on page 25 of the report, I note the following:

The Committee noted evidence that data retention would likely not have enabled agencies to prevent these incidents. NSW Police gave considered evidence on this point, emphasising that attempting to determine whether such information could have assisted in hindsight necessarily involves a hypothetical, counterfactual exercise:

As a hypothetical, with the nature of Sydney itself and where law enforcement would benefit from metadata in relation to, say, the Sydney incident, it most likely would not have prevented the Sydney incident.

That is an important point to bear in mind. I also read the remainder of the quote, which says:

At the time, metadata could have been essential in trying to identify any other persons who may be engaged in a group or involved in that type of offence.

That was Assistant Commissioner Lanyon from the Hansard of the committee hearing that took place on 30 January this year.

So, as I say, it is contestable whether or not this bill would necessarily have a benefit from a national security viewpoint, and we should be mindful of it because, through this legislation, we are about to undertake a massive effort to capture a massive amount of data that will be held for two years on:

who you spoke to; when you spoke to them; how long you spoke to them for; and how often you speak to them. This type of information does not necessarily rely on the content alone—it
can establish a profile based on these types of behaviours. This is a serious issue. It will create a digital fingerprint of every single person in the nation.

It is also worth noting that the number of people who are on active surveillance or being watched is not the entire populace. It is a small number of people. I would have been interested to see, for example, why we are not reforming the preservation notice mechanism and trying to improve that mechanism as a way of capturing the metadata of people who are under active surveillance and ensure that that is done over that period of time, as opposed to the breadth and depth of what is being proposed here. What we are going to let through is fairly significant, and I think it is important that that be recognised.

It is also important to recognise that, in undertaking that, we should test whether it will be effective. I have made reference to some of the quotes earlier. I also make reference to testimony given by the Law Council of Australia. They looked at other jurisdictions and tested what the effectiveness of mandatory data retention was and, on page 38 of their report, they say:

- there is little evidence from comparable jurisdictions that had previously had mandatory data retention schemes to suggest that such schemes actually assist in reducing the crime rate, for example in Germany, research indicates that a mandatory data retention scheme led to an increase in the number of convictions by only 0.006%.

Again, it is important that we remember that in this exercise, as much as I have already indicated earlier that law enforcement will benefit from this, that when it has been tested some of these figures have come up.

The other area where I have concerns relates to cost. I am deeply concerned about the number of figures that have been bandied around about how much it will cost telecommunications companies to set up the systems to ensure that this massive collection and retention of data occurs. We had iiNet indicate early on: $400 million—I understand the Prime Minister may have used a figure of $300 million. An industry working group established a bandwidth of between roughly $180 million and $300 million. But we have not had any firm commitment from the government about what it will do in the establishment and ongoing maintenance of such systems.

Bigger players, like Telstra and Optus, will understandably be able to absorb a lot of the costs. They have the wherewithal to do it. I am concerned—and I am not the only one, because the industry is concerned as well—about what impact this would have on smaller players. That is why a number of them wrote to the minister at the table and to his colleague the Attorney-General saying that this cost issue had to be resolved. I think it is unfair that this is left unresolved and that no firm commitment has been given.

The suggestion is that this will be passed off to the budget. This is not right. Today, for example, we had the government announce a measure where they would reverse something in relation to bank accounts and lost superannuation accounts. They announced this on the spot, without any notice—$300 million is the cost of this system today—reversing a previous government law. Why are our telecommunications companies not given this assurance? Instead, they are forced to wait with the prospect of it being fixed up in the budget. This is wrong. This should be fixed up now.

We may have a lot of disagreements across this table, but one of the things that we reckon works well is competition within the telecommunications sector. The multitude of players
offering a multitude of services and being able to put pressure on the big players is important. But if we keep adding to the costs of those smaller players, we make their viability uncertain. I would implore the minister—and I am sure that he has done this, because he knows as well as others the cost pressures on those smaller players. It is not just this: Australia's internet and telecommunications costs are relatively high by world standards. We are going to add to this. If we do not fully fund the capex requirements, they will have to pass through these costs or die.

Mr Turnbull: They will not die.

Mr Husic: Okay, I will withdraw that. But certainly it will put massive pressure on their ability to continue their operations. It is not the only cost in the pipeline. When you look at TSSR, the telecommunications sector security review, and the cost implications that might come out of that, there are added costs. We have done nothing to provide some assurance to those companies—apart from this legislation. The government has rushed this legislation through, given no assurance and, when there is no ability to actually ensure that those people are looked after, they will then no doubt lowball the amount and put pressure on those small companies, even though they have the ability today to fix it up.

The other issue that I wanted to impress upon people is parliamentary oversight. For this to work, understanding that this is more likely than not to go through both houses of parliament, it is my fervent wish, when it is set up and parliamentary oversight is exercised—and this takes nothing away from the calibre, commitment and determination of my colleagues in sitting on those committees in the future—that we would continue to test the assumptions that are put forward. Security agencies will by their very nature be very cautious and want to ensure that the full breadth of measures available to them can be exercised. But you cannot necessarily write a blank cheque on these things, and I am genuinely worried that all it takes is for a security agency to say, 'We need these powers; if we don't, terrible things will happen.' We are going to have to test that. Our job as parliamentarians is to balance the need for security with the need for the exercise of freer liberties. It is certainly something that needs to be dealt with.

People are concerned about this. People outside this chamber recognise that the general groundswell of opinion is for governments and companies to lay off privacy. An article in CNET in early March was entitled, 'Tim Cook to governments: Lay off our privacy'. That is the Apple CEO saying that governments would need to be very mindful of people's privacy down the track. If someone in Apple gets it, it is because their consumers are telling it to them. They are responding. This is not an issue that is going to go away. The next generation of voters, the next generation of Australians, will value their privacy more and more, and that is why there is such concern about this.

Again, I recognise that we have to balance the issues that confront law enforcement with being able to have access to data that can help them in their work. But I also recognise and respect the value placed by the citizens of this country on their privacy. I recognise and value the work being done by telecommunications companies that will be impacted by this. I hope that these types of concerns are tested in the years to come. Bear in mind: this system will be set up in two years and then tested in two years after that. That is a long period of time for this system to be in operation.
Mrs McNAMARA (Dobell) (16:44): I rise to support the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014. This bill introduces important measures to enhance our national security and better equip our law enforcement agencies to combat crime in our communities. In the past 12 months it has been quite difficult for Australia and we have witnessed unimaginable atrocities that have claimed the lives of innocent Australians. We have also heard of the outstanding work of our law enforcement agencies in preventing numerous attacks on our liberty, values and freedoms.

This government is steadfast in its commitment to improving national security to ensure that we have an inclusive and cohesive society. The measures within this bill have drawn a significant degree of commentary. At its core, we are debating to what degree we value personal freedom and liberties, weighed against national security needs. I would like to state that this is a question the government has given much thought and consideration to, as stated by the Hon. Malcolm Turnbull MP, Minister for Communications, during his second reading speech:

No responsible government can sit by while those who protect our community lose access to the tools they need to do the job. In the current threat environment in particular, we cannot let this problem get worse.

This bill is critical in enhancing the capabilities of Australia's law enforcement and national security agencies.

The need to take this action stems from technological change over the last 15 years where significant advancements in communications technology have led to substantial changes in consumer behaviour. The telecommunications industry is highly innovative and evolving at an unprecedented rate. Sophisticated criminals and individuals who engage in illegal activities are often early adopters of communications technologies for their own purpose. Without a satisfactory framework which identifies potential risks and prescribes relevant actions permissible by law enforcement agencies, they can also remain ahead of the game and avoid investigation and prosecution.

This bill amends the Telecommunications Interception and Access Act 1979 and the Telecommunications Act 1997 to require that companies providing telecommunications services in Australia, carriers and internet service providers, maintain a limited prescribed set of telecommunications data for two years. Such information has been successfully used in Australia to investigate, prosecute and prevent serious criminal offences, including murder, sexual assault, kidnapping, drug trafficking and fraud. It is essential that this information be made available for use against activities that threaten national security.

The nature of technological advancement has meant that the value of this information has lessened over time. I recently spoke in parliament about this government's reforms to enhance the online safety of children using the internet. This is another area where legislative requirements had failed to keep pace with technological advancement and, as a result, we have witnessed a steady increase in the instances of cyberbullying and threatening behaviour targeting Australian children.

Just as some individuals use the internet to carry out cowardly and vicious personal attacks, people in groups threatening Australia's national security are using telecommunications service providers and communications technology to plan and carry out their activities. Existing powers and laws are not adequate to respond to this challenge. Currently, the
Telecommunication Interception and Access Act provides for our national security and law enforcement agencies to access information held by a communications service provider in order to investigate criminal offences and other activities that threaten safety and security.

The value of this data can be demonstrated with a couple of case studies. In February 2014 the Australian Federal Police received information regarding a person suspected of uploading suspicious photographs to an image-sharing website. Two different IP addresses were used by the suspect and requests were submitted to the relevant telecommunications companies to identify the users of the IP addresses. Of the two requests submitted, data was not available for one of the individuals. However, data obtained relating to the second IP address identified a user and subscriber, and a location. This information was subsequently used to obtain search warrants, which identified a large volume of child pornography material and information indicating possible abuse.

The individual in possession of the material was subsequently arrested. This outcome would not have been achieved without the provision of the initial data from the telecommunications company. In this instance, the information was obtained for the purpose of identifying individuals involved in illegal activities and to enable further, more specific investigation into their actions.

In recent times we have become aware of this information being used to foil acts of terrorism. The use of metadata to combat the threat of terrorism is not new. In 2005 a combined ASIO and law enforcement operation prevented a mass casualty-terrorist attack in Australia. The terrorist's plans included targeting the Melbourne Cricket Ground on the day of the AFL Grand Final. Telecommunications data was critical to the successful outcomes of the investigation and subsequent trial where 13 men were convicted on terrorism charges and where custodial sentences of up to 28 years were imposed.

It is confronting to think what may have happened on that day had this information not been made available to our law enforcement agencies. The fact is that metadata is used in almost every case to solve crimes such as the two that I have identified as case studies. It is important that we clearly define what information this bill seeks to retain.

Metadata is essentially information about a communication but not of its actual content. For example, if two people were communicating via telephone, the metadata would reveal that a number belonging to a particular account was connected to another number at a particular time and for a specific duration. It would not reveal the content of the discussion. Similarly, for internet users, it would reveal that a particular IP address was used to engage in unlawful activity by someone at a particular time. In the context of text messaging it would reveal the sender, recipient, time and date but, again, not the content. In no way does this legislation enable the government or any of our agencies to access the content of phone calls, text messages or internet usage, and it must be stressed that access to content requires a warrant. Additionally, agencies will be required to obtain a warrant in order to access a journalist's metadata for the purpose of identifying the journalist's source.

Data is often the first source of lead information for an investigation, helping to eliminate potential suspects and utilised to support applications for more privacy intrusive investigative tools, such as search warrants and interception warrants. We must also keep in mind that access to metadata has been used in almost every counter-terrorism, counterespionage, cybersecurity and organised crime investigation. The intent of this bill seeks to address the ad
hoc nature in which metadata is retained by telecommunications companies. This government seeks to ensure that our law enforcement agencies have the necessary tools to investigate serious crimes, such as murder, sexual assault, kidnapping and drug trafficking, along with threats to national security. I believe that this is a view shared by the majority of law-abiding Australian citizens.

Sadly, these necessary reforms have been described by some members of this parliament as a mass surveillance scheme. In addition, the Australian Greens have described this government's proposal as:

… a time of renewed Government efforts to intrude, observe and monitor the private lives of ordinary Australians.

This is a complete misrepresentation of the intent of this bill and I, along with my government colleagues, reject this claim. In fact, this bill's statement of compatibility with human rights states:

The Bill is compatible with human rights because it promotes a number of human rights. To the extent that it may also limit human rights, those limitations are reasonable, necessary and proportionate.

Sadly, some members of this parliament are choosing to ignore the professional advice and requests of our law enforcement and national security agencies. Their actions and opposition to this legislation, unfortunately, do have the potential to put more innocent lives at risk. This government is committed to ensuring that this does not happen and that our law enforcement and national security agencies are equipped with the tools to fight crime and that ordinary Australian citizens are protected from those who seek to do us harm.

Currently, the Telecommunications (Interception and Access) Act does not prescribe the type of data telecommunications providers should retain for law enforcement and national security purposes. Moreover, it does not specify for how long information should be retained. This is resulting in a significant variation of data retention across the telecommunications industry and, more specifically, the type and quality available to law enforcement and national security agencies. Telecommunication organisations currently retain this data based upon business, taxation, billing and marketing needs. Law enforcement and national security agencies have specifically identified the lack of available data as:

… a key and growing impediment to the ability to investigate and to prosecute serious offences.

This bill specifically addresses these concerns by regulating a prescribed, consistent, minimum set of records that service providers who provide telecommunication services in Australia must retain for two years. This time period as been determined upon the advice of our law enforcement and security agencies.

In June 2014, the Parliamentary Joint Committee on Intelligence and Security handed down its report entitled Report of the inquiry into potential reforms of Australia's national security legislation. While the report noted the various views of committee members, it did make several recommendations about what a mandatory data scheme should include, if implemented. The bill will adopt and formalise several of the committee's recommendations, including that mandatory data retention will only apply to telecommunications data, not content, and internet browsing is explicitly excluded; that mandatory data retention will be reviewed by the committee three years after its commencement; that the Commonwealth Ombudsman will provide oversight of the mandatory data retention scheme and, more
broadly, the exercise of law enforcement agencies' powers under the Telecommunications (Interception and Access) Act; and that an agency's use of and access to telecommunication data will be confined through access arrangements, including a ministerial declaration scheme based on demonstrated investigative or operational needs. These recommendations have been adopted, as this government recognises that data retention carries with it genuine concerns about privacy. This bill will ensure a high degree of oversight by the Commonwealth Ombudsman.

Comprehensive record keeping will be implemented in relation to the access to and dealing with stored communications by criminal law enforcement agencies and the access to and dealing with telecommunications data by criminal law enforcement agencies and enforcement agencies. This new record-keeping regime will require all Commonwealth, state and territory law enforcement agencies to maintain prescribed information and documents necessary to demonstrate that they have exercised their powers in accordance with their statutory obligations. This oversight will ensure that individual privacy is protected and that information is not accessed inappropriately.

It must also be noted that this bill does not provide our law enforcement and security agencies with any new powers to access communications data. We are simply enhancing the quality of data available to agencies as part of legitimate investigations. This bill will also allow the Police, Customs, crime commissions and anticorruption bodies access to data. Access to data will continue to be subjected to the same strict limits that currently apply. In order to respond to an ever changing security threat, this bill also allows provisions for the Attorney-General to declare, via a legislative instrument, additional agencies who can access this information. Again, this process will be subject to parliamentary oversight and must consider a range of strict criteria, including whether the agency is subject to a binding privacy scheme.

This government's actions are actually formalising the arrangements in which telecommunications data is maintained. As a result, we will have new and enhanced safeguards. For the first time, there will be an independent and comprehensive oversight of access to telecommunications data for law enforcement agencies. We will also require the Parliamentary Joint Committee on Intelligence and Security to review the effectiveness of this scheme no more than three years after the end of the implementation of the scheme. The Attorney-General will be required to report annually on the operation of this scheme. It is also important that we address the financial impact of this bill. This Bill will have financial impacts on service providers, who will be required to meet the new minimum data retention obligations. The Minister for Communications has made it clear that the government is committed to ongoing, good faith consultation with the industry and that we expect to make a substantial contribution to both the cost of implementation and the operation of this scheme.

This government is taking the necessary steps to ensure the safety and security of this country and its citizens. We are providing our law enforcement and national security agencies with the tools required to combat serious crime and threats of terrorism on our soil. We are also ensuring that the privacy and liberties of law abiding Australian's are protected and that specific details of their telecommunications activities are protected. This bill strikes the right balance between securing Australia's national security and protecting our rights and liberties. I commend this bill to the House.
Mr CONROY (Charlton) (17:00): I rise to speak on the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014. This bill deals with extremely complex and concerning issues. I have wrestled with these issues and concluded that I can, and should, support the bill its current from. There are many legitimate concerns held about data retention, and a balance must be struck between enhancing our security and protecting the rights and liberties of Australians. The original bill did not have this balance, and it is only through months of work by Labor that this bill is in a presentable form. However, let us look at the facts of data retention as it currently stands. Right now, telecommunications companies keep a lot of data about us. They do not all keep the same data and they do not all keep it for the same period of time. Police and other law enforcement agencies access this data right now—and a lot of it. Last year there were over 500,000 applications by government agencies for access to metadata. It is part of most investigations by police. It does not always solve crimes but it is an important tool in their investigations. Sometimes it provides evidence that is critical to a conviction. We saw that in the case of the murder of Jill Meagher in 2012. Access to this data has grown very strongly in the last few years. Applications for access to that data were made by over 80 agencies—including councils, Centrelink, the RSPCA, Harness Racing NSW and the Victorian Taxi Services Commission. Most infamously, Wyndham Council applied for 18 authorisations in the past 12 months to chase people for unauthorised advertising, unregistered pets and illegal littering.

Those opposed to this bill do not accept the reality that there is a huge amount of metadata access going on right now with little or no regulation. This bill, if the balance I discussed is achieved, is the best chance of regulating and standardising access to metadata. What the Greens and others are really saying by their opposition to this bill is that they do not want to regulate this. They want local councils to be able to access our data. They want agencies that have no criminal law enforcement functions to continue to have access—and that is regrettable. Opponents of this bill will argue against any data retention and the need for 500,000 individual warrants. This is simply unrealistic. It is impractical and we cannot put the genie back in the bottle. I was opposed to the original bill, but the bill in its current form provides the opportunity to regulate this access and restrict it to national security and law enforcement agencies. I believe that, as this data is already being collected, this legislation presents the best opportunity to regulate the collection and storage of such data to protect the rights of individual Australians, not weaken those rights.

The work of the Parliamentary Joint Committee on Intelligence and Security should be applauded. The work of the Labor members has vastly improved this bill. Improvements include: listing the data set in the bill itself so that we know what data is being retained; limiting access to telecommunications data to only those enforcement agencies specifically listed in the bill; oversight of the operational use of this legislation by parliament's intelligence committee, the first time the committee has been given this power; authorising ASIC and the ACCC to access telecommunications data to assist 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 telecommunications data for the purposes of civil proceedings such as preventing its use in copyright enforcement; 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 Ombudsman to strengthen oversight of the mandatory data retention scheme; and a mandatory review of the data retention scheme by no later than four years from the commencement of the bill.

For me, the three outstanding issues once Labor won agreement on the committee recommendations were press freedom, data storage and parliamentary oversight. Labor believes the freedom of the press is fundamental to our democracy. Freedom of the press underpins our democratic system. An independent media is essential to holding governments to account and informing citizens. I agree with the member for Gellibrand that, to ensure the press are able to conduct their work free of this threat of censorship and oversight, we need to implement strong barriers against the arbitrary investigation of journalists and their sources. We cannot, and should not, simply trust any government of the day to respect press freedom; we need place limits through law. That is why Labor insisted that access to journalists' telecommunications data for the purposes of identifying sources should require authorisation via a warrant. After concerted pressure from Labor the Prime Minister has caved in and agreed to this amendment. We do need to ensure that the detail of the amendment matches the intent, but this is an important safeguard. This safeguard is the minimum level of protection journalists should have. We do need to observe closely how the UK safeguards operate, as they are developing a system at a similar time to us, and we should review this closely when the scheduled review is undertaken.

An unresolved issue that I am particularly concerned about is the storage of the retained data. During the inquiry iiNet made it very clear that the data would be stored overseas. The chief regulatory officer of iiNet said: 'We'll be looking for the cheapest, lowest-cost option. That means cloud storage, and the lowest-cost cloud storage in the world today is in China.' I believe this is unacceptable. If we are to mandate that this data must be stored, then we should mandate that it be stored in Australia to give Australians confidence that it will be protected. This view is confirmed by the former Director-General of the Australian Security Intelligence Organisation, David Irvine. He said: 'While the cloud was a wonderfully efficient thing and it is where everyone is going, I would rather the cloud hovered over Sydney or Melbourne than Shanghai or Bangalore, where it is governed by someone else's sovereign legislative system.' Mr Irvine said he would feel much more comfortable with data governed by Australian law than by the law of some other country. He said: 'We should be trying to develop for Australia, particularly for government and industry, the ability to manage national data on a national basis, with international hook-ups of course. Then it can be subject to national law, which can be privacy law and national security considerations.' I agree wholeheartedly. Like Mr Irvine, I am a cybernationalist and I am pleased that the parliamentary committee explored this issue and that Labor successfully argued for the bill to be amended to impose stringent safeguards on data security. These amendments were accepted by the committee, which recommended a requirement for stored data to be encrypted.

Labor also pressed for, and won, an amendment imposing a mandatory data breach notification scheme to be introduced so that anyone who has had their data compromised is informed of the breach and can take appropriate measures to respond. However, the committee did not resolve the ongoing onshore storage issue. This matter is currently being examined as part of the broader telecommunications sector security reform process, a process
commenced under the last Labor government. The current government has stated that the process will be completed well before the end of the data retention scheme implementation period and, when completed, the TSSR legislation will come before the intelligence committee.

I am proud to repeat Labor's strongly held position: Labor will insist on a requirement that retained telecommunications data be stored onshore. I am very proud and relieved that, as part of Labor's consideration of this important policy area, we came to the conclusion that this data must be stored onshore to maximise the security of this data. There may be cost issues, and they need to be explored, but this data must be stored in Australia.

I now turn to my third concern, which relates to parliamentary oversight. Our system of oversight of intelligence activities is not as well developed or comprehensive as those of the United States or Western Europe. I have argued that, as we strengthen these laws to deal with evolving threats, we must also increase the level of parliamentary oversight. As the people's representatives, we must know what is being done in our name.

I fully support the reforms outlined in a comprehensive paper authored by former senator John Faulkner, a man who has spent decades looking at these matters in a most responsible manner. I was pleased to see that the parliamentary committee recommended, and the government accepted, a reform that was part of this process.

For the first time ever, the parliament's intelligence committee will have operational oversight over security agencies—a first step towards the reforms recommended by John Faulkner. I am also pleased that Labor will bring forward legislation this year to give effect to all of the important reforms contained in the Faulkner paper. These include: a more flexible Parliamentary Joint Committee on Intelligence and Security; to ensure that the best qualified parliamentarians serve on the committee; that the parliamentary committee's remit be expanded to cover the counter-terrorism activities of the Australian Federal Police; that the committee receives enhanced powers and access; that there be expansion of the committee's powers to generate its own inquiries; that there be increased resourcing of the Inspector-General of Intelligence and Security; that there be a stronger relationship developed between the parliamentary committee and other oversight bodies, including the Inspector-General of Intelligence and Security, the Independent National Security Legislation Monitor and the Australian National Audit Office; that there be a requirement for mandatory sunset clauses for all controversial national security legislation; and that there be a comprehensive review of the oversight of Australian intelligence agencies, encompassing the role, powers and scope of oversight mechanisms. These reforms are desperately needed, and I am proud that it is now Labor policy to implement them fully. There can be no greater tribute to the legacy of Senator John Faulkner than the full implementation of these reforms—reforms that he has passionately worked towards for decades.

In the time remaining, I would like to express my disappointment regarding the behaviour of the Australian Greens during this debate. As in almost every other policy debate I have witnessed, the Greens will never attempt to engage seriously on matters of complex public policy. Instead, they will adopt a position of empty populism that gives their members a warm inner glow and lures disappointed, progressive supporters of Labor. This is their real goal: to replace Labor as the party of the left by scoring cheap political points, rather than looking at what is in the national interest.
We have seen this petty opportunism on display during this debate. For example, we had Senator Ludlam from the Greens in the other place describe this bill as a ‘fascist, Orwellian mass surveillance scheme’. They have not tried to engage on the substance nor do they recognise that we must regulate a data regime currently out of control. They argue either that data must not be retained or that all 500,000 accesses that occur per year should require an individual warrant. Both are unrealistic and clash with the genuine needs of our law enforcement agencies. They are also completely out of step with the expectations of the community.

To invoke fascism and George Orwell demonstrates that Senator Ludlam and the Greens are cheapjack populists and nothing more. Either they have not attempted to examine these issues seriously or they are cynically exploiting the significant public concern that exists, often without foundation, regarding this issue. Whatever the truth, it is a despicable position and demonstrates their unfitness to be accorded a serious role in political debate.

I would like to conclude by thanking the Shadow Attorney-General and shadow minister for communications for their consultative approach to this issue. Ever since this issue first arose in its current form in October last year, they have worked very closely with the Labor Party caucus and the various committees to develop a Labor position to enhance a bill that was deeply flawed, and to push a responsible agenda that balanced the rights of individuals versus the genuine needs of law enforcement agencies.

I also want to take this time to applaud the contributions to both the public debate and the debate within the Labor caucus by the members for Chifley, Gellibrand, Scullin and Griffith. I have not agreed with all their views on this issue but I have learned much from their serious engagement on this policy. I congratulate them for their great contribution to this debate.

This is an important issue, an issue of great contention, but we must standardise and regulate access to retained data. While this is partly driven by national security needs, it is primarily law enforcement agencies that need this data. Some people engaging in crimes will be able to circumvent this bill through technical innovations, be they Skype or VPNs. That said, this bill will help our law enforcement agencies to prevent crimes and catch criminals. I echo the view of the member for Gellibrand: the fact that a proposal does not do everything does not mean that it does nothing of value. I believe that this bill, with strong protections for journalists through an effective warrants process, onshore storage of retained data and powerful parliamentary oversight, should be supported. I have been contacted by some members of my electorate expressing disappointment with Labor’s position and outright opposition to data retention, and I can understand their disappointment. But I say to them: I believe this bill achieves the necessary balance—it balances individual rights with the genuine needs of law enforcement agencies to use every tool in their arsenals to catch criminals and prevent crimes. I firmly believe that with strong oversight and comprehensive review mechanisms in place we can have this bill go forward, we can review it when it is appropriate and we can tinker with it if that becomes necessary. But we must engage with this issue seriously rather than just saying no to a very important issue. I commend this bill to the House.

Dr GILLESPIE (Lyne) (17:15): The Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014 has generated much controversy. But, in essence, I think a lot of the controversy is because of a misunderstanding of what metadata actually is. I
will commence my comments by just clarifying what metadata is. Metadata is not the content of a conversation on a digital device. It is not the content of a phone conversation. It is not the content of an email message. It is not the content of a web page when people are web browsing. It is IP numbers. Every individual digital bit of equipment has its own IP number. It is actual phone numbers that are recorded. This sort of data has been recorded for decades. You only have to look at your own telephone bill that you get from your telephone provider. It will show where your mobile phone called from, what cell it went through, what digital mobile phone tower it went through and for how long. But it shows nothing about the content of your phone conversation.

So, that is the first essential, important difference. A lot of the conversation against this legislation is based on the inference or the implication that it is the content that is being stored—as though it were phone taps, wire taps or internet sabotage, or reading live content or stored content. As I have alluded to, it has been done for ages. But this legislation is important in that, because of the efficiency of the digital era, records that most telecommunications people have been keeping at some state eventually become digital. The billing processes and all the things you need to succeed in business in this space have been so efficient that these days some of these records are only kept for up to a week before they are entered into a billing system, and then they are no more.

That phenomenon is what has driven this bit of legislation. Metadata is like a digital fingerprint. Can you imagine the police or the AFP or our intelligence agencies being able to investigate without the humble fingerprint? It would set back justice and investigation of crime by decades. Well, in the digital world, metadata and the patterns of connections—not the actual IP number or the phone number—give the intelligence services, whether police, AFP, ASIO or ASIS, a pattern of behaviour so that they can use that to investigate serious crime, such as child abuse, sexual assault, exploitation and kidnapping, as well as counterintelligence matters. These are all very essential things that the community relies on our security services to look into and prosecute. That is why it is so essential. In fact, the figures that were mentioned at a committee meeting today were that 85 or 90 per cent of all the recent serious crime and terrorism investigations involved the use of metadata to assemble a direction for investigation about who is involved in these serious crimes or who is conspiring to commit serious crimes.

So, that is the first thing. There is a reason. This has not come out of thin air. The other matter is that all this metadata has been accessed for decades as well, by up to 80 separate bodies. This legislation and the Parliamentary Joint Committee on Intelligence and Security has whittled that down to 20 bodies. People like the RSPCA—just about anyone—could get hold of this metadata. We are putting some appropriate limits on it. Other issues that come up in conversation about this rather heated issue are parliamentary oversight, storage and security of the data, allusions to limiting the freedom of the press or invading privacy, and whether it compromises legal privilege. There is also the issue that has been brought up about notifying those who have had their data accessed, either after the event or, as some have recently argued, at the time or before the access happens.

I will go through each of those. There is parliamentary oversight of this process. There are senior-level officers with the Inspector-General of Intelligence and Security, the Commonwealth Ombudsman, state ombudsmen and the security forces who have to meet
criteria before this data can be accessed. There is extensive and long-term parliamentary oversight through these processes. It is not as though we are just putting this out there on to the Australian people. Metadata has been stored for decades, but it is vanishing because of changes in technology. We need to provide a system so that the security services, the police and all the appropriate financial regulatory bodies, like ASIC, ACCC and the tax office, can establish a case to prosecute serious crime—child abuse and counterintelligence matters.

One of the previous speakers this evening mentioned concern about the limitation of the freedom of the press. I would just like to say that this does not limit the freedom of the press. The press in Australia has a very well established and frequently used ability to say just about whatever they like, even skirting into libel. Having metadata is not going to limit that. I think they are concerned that one of their sources might be identified. That is a pretty long extrapolation. Unless they are dealing with people involved in serious crimes or they are the innocent so-called B party when the metadata is linked up, they should have nothing to fear. If they are not involved in counterintelligence, espionage, plotting terrorism, serious fraud and crime, child abuse and all those networks involved in paedophilia—all the things that the criminal investigation and national intelligence services need to be interested in to do their jobs—they should have no concern. And, as I mentioned, there is oversight of the system at the level of the Ombudsman and the Inspector-General.

Regarding the issue of privacy, I have come from a meeting today where this very issue was discussed at length. There are many basic rights that we run our society by, including the right to privacy and also the right to expect our security and our wellbeing to be protected by the state—whether it is the state government police, the federal police or our security services. This metadata has historically been used in a proportionate manner, and it would be under this legislation, because the people accessing the data do not do so on a whim. There have to be firm indications.

You could ask the people in my electorate: 'Would you like investigations into very serious matters up to and including terrorism, where there is a risk to life and multiple lives? Would you mind if the appropriate officers checked if certain people or bodies had connections via frequent internet traffic or frequent phone messaging, or gaining information about building bombs, or committing terrorism acts by frequenting terrorism websites?' And I think 99.9 per cent of the people in the Lyne electorate would say, 'Yes, that's not an infringement of our rights; that's protecting our rights.' They expect to be safe and secure in their own country. It is a matter of judgement and balancing the proportionate risk. Some of our commitments on the human rights treaties and agreements that we have committed to as a country are engaged in this process, but it is proportionate—the actions are proportionate to the risk.

The issue of legal privilege being compromised by access to metadata was raised, but I think it would be very hard to argue that metadata alone would be enough to make a case. Whether it is financial crime, violent crime, paedophilia, child abuse networks or conspiracy for terrorism acts, it is not the metadata alone that is enough to convict a person. That is just part of the armamentarium in the investigative process. The content is the bit that could be used as evidence. The use of metadata is like the entree to making a legal case, or applying for a control order or applying to interrupt serious crime.

The other issue that has been raised around this legislation is whether or not it is appropriate to notify people who have had their data accessed. There are some practicalities.
that have to be taken into account. If an investigation for any matter is underway and you notify the people that you are investigating, you do not need to be a rocket scientist to work out that the investigation will be compromised. By their very nature, a lot of these investigations by the appropriate authorities into these serious matters have to be discrete otherwise there is no point investigating because the suspect is notified.

I do not think the proposals to notify people who are about to have their metadata accessed are appropriate at all. The practicality of notifying everyone who has had their IP address picked up in a random search for connections to these crimes would not be appropriate either, because the volume of applications and instances of searching amount to thousands and thousands per year. Any one IP address interacts with lots of other IP addresses, so it is like a cascading, viral list of IP addresses. It is only the patterns that help in these investigations. If everyone had to be notified, there would be hundreds of thousands of people who would have to be notified every year. If it had to go through a court process to get a warrant to look at these things, you would have to be notifying hundreds of thousands of people a year. You would have to have hundreds of thousands of courts to deal with it—just the practicality of it. The important thing is the proportionality of the principle of privacy being interrupted on a valid, justified basis. There are many issues, but the most important issue is that our law enforcement agencies require this ability. They have had it for years. It is vanishing rapidly. If we do not secure it, the Australian investigating bodies will be compromised. It is not mass surveillance. Unless you are involved in one of these suspected activities, it should be of no consequence to you. It is for all of our security—

Mr HAYES (Fowler—Chief Opposition Whip) (17:30): I too rise to speak on the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014. Without doubt, this bill has generated significant controversy. There have been many submissions. Interest groups have made their positions known to members, on both sides, and many have taken the opportunity to make submissions directly to the Parliamentary Joint Committee on Intelligence and Security while considering this bill.

I take this opportunity to commend the committee on its analysis of the array of arguments and on delivering a very well-considered report. The committee's work has been critical in striking an effective balance between protecting the rights and privacy of individuals and enabling our security services, police and law-enforcement agencies to access the vital information they need to keep our country and communities safe. The committee's 39 recommendations were important in improving this bill, and they have made a substantial difference. Left in its original form, it would have been problematic to members on both sides of the House. The work of the committee has brought a focus, a balance, to the rights of individuals and the needs of our police and law-enforcement agencies.

Given the importance of law-enforcement and national-security bodies, I commend the work of the Labor members of the committee: Anthony Byrne, Jason Clare, Mark Dreyfus and Senator John Faulkner. They played a truly significant role in shaping these recommendations into a position where this bill, in its current form, will receive the support of both sides of the House. Their contribution has improved the bill, and much of the credit for the level of oversight and safeguards should go to them.

It is also worth noting that our police services have had access to metadata under the telecommunications legislation since 1991. Since this bill has been in the public eye
significant controversy has surrounded it. It has been out there for a substantial period. Police are using techniques that prosecute serious and organised crime and, hopefully, offset those who would perpetrate terrorist acts on our community.

This bill is not about access to a new form of information for police or security agencies, although it comes at a time when a lot of restriction is being made on access to information. In terms of having this information available to them, when we had a monopoly on our telecommunications systems it was clear that Telstra—and, for a large part of the time, Vodafone—held the information that was readily available to our police and national-security agencies. There are many new players in the telecommunications space now, and a degree of regulation is required. This is to ensure that they will house the necessary metadata and enable it to be sourced by our police and the national security agency.

This bill will ensure that bodies such as the AFP, state and territory police and ASIO continue to have access to metadata that the telecommunications companies already store for their own purposes. Given my background, I accept fully that access to this type of communication is essential in effective crime fighting, criminal investigations and counter-terrorism efforts. The declining ability to ready access telecommunications is undermining the efforts of our police and law-enforcement agencies; without access to this essential capability their efforts will be severely eroded.

The bill introduces a number of changes that will give a measure of comfort to those concerned about the level of access to stored telecommunications data. The bill provides access to data that will be limited to two years prior to the date of intervention. The bill specifies exactly which law-enforcement and security agencies are able to access the metadata, significantly narrowing the existing range of bodies that have access to that data. The bill also defines, precisely, the metadata that will be retained and available to law-enforcement agencies.

An important aspect of this bill is that it brings about a substantial level of oversight and reporting mechanisms that will ensure transparency of the access to information and the compliance regime within the law. The Commonwealth Ombudsman, in the case of law enforcement, and the Inspector-General of Intelligence and Security, in the case of ASIO, will have important roles in monitoring the overall integrity of the scheme and its day-to-day operations.

It is also important to note that these organisations that do have access to retained data are required to have regard to the privacy of individuals before they seek the data from the telecommunications service providers. Each access must be authorised by a senior officer of the relevant security or law enforcement agency and the authorising officer must be satisfied that any interference with a person's privacy is justifiable and proportionate. This is what will be monitored by both the Commonwealth Ombudsman and the Inspector-General of Intelligence and Security. This bill brings about a degree of oversight that was not there before when this information has been used—and I still say correctly used—by our police and national security agencies. People should have a far greater degree of comfort in the fact that the level of oversight that is now being brought about by regulation will ensure transparency takes place in terms of access to this metadata.

I know that in areas of the media there has been a concern about the passage of this bill, and I certainly appreciate that journalists have a very real concern that access to data retention
could well compromise the anonymity of many of their sources. Whilst we may not always like it, I think all of us in this place appreciate the freedom of the press and that it is central to our democratic way of life. Therefore, we do have a need to protect journalists and particularly their sources of information. I think that is critical. We acknowledge the concern they raise and that it is critical to protect their sources of information but at the moment in the case of, for example, a leak investigation by a particular agency, that information is already available on request to a number of law enforcement and investigative bodies. So this is not something that is being introduced through this bill. I understand there is an area of concern there, but I am reasonably happy with the recent agreement with the government—albeit somewhat reluctantly on their part—to ensure that, where journalists' information is to be accessed, it can only be achieved by a warrant. I think that is a very substantial development. That warrant will require the intervention of a judicial officer. It should be acknowledged as something significantly greater than what currently exists in protecting the sources of journalists' information.

ASIO, in evidence to the committee, confirmed that communications data had been critical to the disruption of terrorist attacks in Australia and provided the committee with a detailed, unclassified summary of the use of telecommunications data in Operations Pendennis and Neath, ASIO's assessment was that, in both cases, had relevant telecommunications data not been available, ASIO would have been ignorant to critical information, including the existence of covert communications between members of the terrorist groups, which could have had 'disastrous consequences'. In the case of policing, the AFP advised the committee that telecommunications data is the 'cornerstone of contemporary policing' and allows the police to identify suspects or victims; to exculpate uninvolved persons from proceedings; to resolve life-threatening situations; to identify associations between members of criminal organisations; to provide insight into criminal syndicates and terrorist networks; and, importantly, establish leads to target further investigative resources.

The fact is that police use metadata for investigations into counter-terrorism, serious and organised crime, firearm and drug trafficking, child protection operations, cybercrime, crimes against humanity such as slavery, people smuggling and human trafficking as well as community policing. This information is certainly well used by police agencies. We have been talking about the figures over the last 12 months. There have been around 250,000 applications for metadata use. I think that indicates not a reliance but the fact that this is a modern tool of law enforcement and one that has a significant impact in police investigations. So, for a range of reasons, I fully accept that for police and security agencies access to metadata is critically important.

Clearly, access to this data is already extensively relied upon by police. I note that, in the last reporting period of 2012-13, the annual report on the Telecommunications (Interception and Access) Act 1979 shows that the greatest use of metadata was by the NSW Police Force. Over that reporting period the alone accessed metadata under 119,705 authorisations. I am advised that metadata proved vital in seeing 18 men who were planning a mass casualty attack in Sydney in 2006 convicted of terrorism offences and, again, was vital in relation to the planned assault on the Holsworthy army base in 2009.

Only yesterday, I was talking to a couple of friends of mine, Ron Iddles and John Laird, from the Victorian Police Association. They were here in Parliament House attending a
function in the President's chamber. They advised me of the importance of metadata to contemporary policing. Ron, who has had a long career as a homicide detective, told me that metadata was a crucial tool in assisting the Victorian police with tracking down Jill Meagher's killer and the place where he disposed of her body in 2012. Without access to this information, Ron tells me, the investigation process would have been quite slow because of the lack of witnesses. On this occasion, Jill Meagher's killer was brought readily to justice.

For a range of different reasons, which I cannot go into now because I am out of time, I support this legislation. It is crucial for policing. If we expect police to protect our community we, at a minimum, must ensure that they have the appropriate tools to do their job.

Mr HAWKE (Mitchell) (17:45): I rise to speak on the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014, which is before the House. In doing so I want to commend the work of the Parliamentary Joint Committee on Intelligence and Security for preparing what is a set of necessary and excellent recommendations that I am pleased to say the government will be adopting in full. Indeed, all 39 of the recommendations have been accepted by the government. I think that is an important point to start my contribution with.

There is a bipartisan spirit in relation to this bill, and that is more than welcome because of the significance of the matters we are considering.

As I listen very carefully to the debate by members on all sides about the merits of each of the provisions of this bill, I note there is concern amongst members opposite about various elements that the government put forward in its original legislation, including, of course, from the members for Gelblund, Scullin, Griffith, Chifley and Charlton, who have some valid bases for concern and objection, as do many people in my own electorate and from around the country who have contacted me in relation to this.

Members here will remember that the previous government had a very authoritarian approach towards the internet. The communications minister who predominated in last Labor government was Senator Stephen Conroy, and he of course famously proposed to filter the internet. One internet service provider believed this would go so far as recording each URL a customer visited and all emails, and that the regime could see the Australian government retain data for much longer than has been proposed in the mandatory data retention bill. I was pleased the coalition opposed the mandatory internet filter. I was certainly an advocate against that. Subsequently, I have made contact with a lot of younger people, particularly people who have now had access to the internet for most of their lives, who have an enhanced concern about the retention of data and the use of data by government, and the legislation that governs that data. I think that is a worthwhile thing for people to do.

It is important that we hold governments to account and that legislation be refined and put forward in the best way possible. This process that some Labor members have been critical of is actually a worthwhile process in this parliament. We have actually had a bipartisan committee go through this legislation severely to improve the quality of it to the point where most of us in this place, even those with reservations about some elements and components of the legislation, can now support the bill in its form, enabling the security services to do their job and get on with the work they need to do in fighting crime and targeting extremism and terrorism. That is not anything that anyone in this place would have an objection to. We do want to see our security agencies have access to the data they need to clear crime and to defeat crime and extremism.
We know from some of the mandatory data regimes that the evidence is still unclear about them. In Germany crime clearance rates have increased by a miniscule 0.00016 as a result of mandatory data retention. Is it not yet the case that we can say with any justifiable evidence that mandatory data retention will lead to more crime clearance, although it will certainly help the security services and the police to do their jobs and to continue to clear crime at the rates that they are. Of itself, that is very important. It is why the joint parliamentary committee also reported that this particular piece of legislation, of itself, may not help to prevent a Man Monis situation, which we saw in Sydney recently. Although it is important to note that all of the security agencies are seeking this access and the retention of this data so that it is there and there is no degradation in the investigative capabilities of national security agencies, or an acceleration of the degradation of data.

I think we in this place need to recognise the fact that as we move forward as a society and technology moves forward we need to be flexible with our laws and our regulatory frameworks. This bill no doubt will require amendments in the future. It will require amendments to keep pace with technological change, and it will require amendments to keep pace with the demands of society—that is, the right to privacy, which I think is becoming an increasing concern for generations of people in the Western World in particular, especially with those having internet access almost from the age of birth until the day they die. Issues like the right to delete data are now in the frame of the concerns of emerging generations, as are digital liberty, the right to access your own content and your own internet and browsing histories—all of your metadata content. I think these issues are going to become more vital as we move forward in Australia.

I am one of the people who will acknowledge the member for Chifley for his valid concerns. Even figures like Senator Scott Ludlam, who I do not normally have a kind word for in relation to his politics or his policies, I think approaches this from a position of principle. Some unkind things have been said about him here in this debate, but I would stand up for him on this particular issue, saying that he is approaching it from the right angle and concern, but perhaps not reaching the right conclusion—that there is a form of law that needs to be passed by this parliament and by the Senate in the immediate future. I think he would do well to consider that and to help be more constructive in promoting the principles and the points that he is.

I also welcome the group, the members for Gellibrand, Scullin, Griffith, Chifley and Charlton—I do not know if they call themselves the 'ginger group' or if they describe themselves as 'factions without borders' or something like that—as their concerns are, I think, coming from a good place. I welcome that from all members on all sides here today.

I want to specifically speak about the recommendations of the joint committee because in them we find the reasons why the House should accept this legislation at this time. The recommendations have given us all a level of comfort as members of parliament that we now have a framework within the bill and the legislation that will ensure the right level of oversight, the right level monitoring, and the right ability of the parliament to continue to have oversight over each of the provisions.

I want to speak briefly about some of these recommendations and how they will affect the different elements of the bill. In particular, let's start with recommendation 6 and the authority to access stored communications and telecommunications data. This is particularly important
because the Attorney-General will now be able to declare an authority or body as a criminal law enforcement agency subject to conditions. Those conditions include: the declaration ceasing to have effect after 40 sitting days of either house; amendments to specify authorities or bodies as criminal law enforcement agencies in legislation will be brought before the parliament before that expiry period of 40 sitting days; and the amendments will be referred to the Parliamentary Joint Committee on Intelligence and Security within a minimum of 15 sitting days for review and report.

I think it is important to go through those qualifications because these are the kinds of mechanisms that are now in place that will ensure the public can have confidence that there are strong protections and safeguards within this bill before us on their privacy and on the nature of the data. Parliament will have that strong level of oversight—either by the amendment expiring if the parliament does not consider it or the parliament will have to consider it through the Joint Committee on Intelligence and Security.

This is typical of the recommendations in full, although I do not have the time to go through the recommendations in full. This has been well thought out, in my opinion. There will be stronger safeguards and oversight. While some members of the opposition have waxed lyrical about how it was all Labor's idea and Labor have done it, they have short memories about the previous government. There has been this ongoing discussion between parliamentarians in this country about these issues of privacy in relation to technology legislation and communications legislation. It is an ongoing conversation that we need to continue to have. As I have said, we need to be alive to amendments, flexibility in the law and moving with the times in relation to the expectations of the community and users of the internet and owners of content.

In particular, I also want to speak about some of the other recommendations before we are out of time. Recommendation 33 will require an annual report to be prepared, including: the costs of the scheme; the use of the implementation plans; the categories of purpose for accessing the data, including a breakdown of the types of offences; the age of the data sought; the number of requests for traffic data; and the number of requests for subscriber data. This goes to the issue of transparency. I think Australians rightly have the expectation that this parliament will consider the issue of transparency in relation to legislation of this type. There will be great transparency about access and the access to the mandatory retained data. That is a very good recommendation which is absolutely accepted by the government.

Recommendation 37 will ensure this bill is amended to require service providers to encrypt telecommunications data. I welcome that. I think that is a great development. It is a great positive. I think it is something that is supported on all sides of the House, including the committee developing a data retention implementation working group. It is a sensible mechanism. Australians can have security that both sides of the House will have a working group to implement the entire data retention regime—recognising that this is a difficult area of law; this is a new area of law; it is an emerging area of technology and law; and the intersection of technology and law. We need to get it right, and we need to have flexibility. The data retention working group will enable the parliament to have that flexibility and the ability to move and change as necessary within the confines of the legislation.

A mandatory data breach notification scheme is also a very welcome recommendation, as is some more definition around the civil litigation, civil litigants and how the operation of this
bill will intersect with access for civil litigants. The recommendations that the minister and
the Attorney-General review this measure, and report to parliament on the findings of that
review by the end of the implementation phase of the bill, is a step forward. I look forward to
seeing the findings of that review of the implementation phase of the bill myself.

Moving back to the actual content of the bill, I believe that this legislation needs to pass the
House. While I have had my own concerns about aspects of this legislation, I certainly share
the approach of the member for Chifley, in some regards, that we do need to keep an eye on
how we legislate in relation to these areas.

We also need to be very aware of the threat posed to Australia by extremist organisations
and those of our citizenry among us who have no respect or regard for the law. We now know
they exist within our society. They exist in more numbers than any of us would like to see—
that is, people who have absolutely no regard. We live in a world where people do not even
acknowledge that the law exists or that they obey it, or that they as a citizen have
responsibilities under it. It is very dangerous when we have those people in our midst who
have no regard or no respect, or no belief that they have to obey or respect the laws of our
land. We also know that those people are so fanaticised and poisoned in their mind that they
are willing to destroy their own lives to destroy others. They are willing to take their own
lives to hurt others; to do damage to others; to destroy our society. When you have a group
like that among us, you have to be willing to concede certain amounts of liberty to ensure that
we are protected and safe.

Of course there should be a debate around how much of that is given up, under what
circumstances, for how long and under what limits. I think this bill has come to a point where
we can support it in this House and in the Senate to ensure that our national security agencies
and our police agencies—who are in a very good zone of fighting crime and fighting
extremism—can have the powers and the technological capability they need to do their jobs
well, and to fight those extremists and target that serious category of crime.

Where we need to be vigilant as a parliament and where we need to be vigilant in the future
is in ensuring that there is no breaching of this legislation by individuals, criminal agencies or
government agencies. In particular, we need to make sure there are the right limits here. I
want to commend the Attorney-General for ensuring himself, before this bill was drafted, that
there were restrictions placed on the number of agencies that could access people's data. I
think that is a big step forward. We need to see more of those restrictions. We need to see
tighter access to data in the future and only on the basis that it is absolutely necessary for
national security or policing. We need to make sure that, in the future, we do our job both
through the parliament and through the Parliamentary Joint Committee on Intelligence and
Security in making sure that the provisions of this bill are adhered to at all levels and
respected by future attorneys-general and future governments.

I commend in particular the Attorney-General. I commend in particular the member for
Wannon, the chair of the committee. I think he has done an outstanding job in preparing these
recommendations. I commend those members of the opposition who, in that bipartisan spirit,
understand that this is necessary legislation and are giving up some of their views to ensure it
is passed.

Mr LAURIE FERGUSON (Werriwa) (18:00): I approach this legislation in the context
of two of my father's favourite dicta: 'Politics is the art of the possible,' and, 'One should be
thankful for small mercies)—because, quite frankly, I think we should be very thankful that the Parliamentary Joint Committee on Intelligence and Security has very thoroughly investigated this bill and that these 39 recommendations, obviously driven mainly by the opposition, have been accepted within the committee and by the government. I do have deep concerns about these matters. The world has been very affected by the revelations of Edward Snowden. David Cole, professor of law at Georgetown University, commented in *Vanity Fair* of May 2014:

We were sleepwalking into abandoning our privacy, and Snowden has woken us up.

A person on a very different part of the spectrum to me, former congressman Ron Paul, whom I would not agree with on many matters but is certainly a very credible person with regard to human rights, commented:

Thanks to one man’s courageous actions, Americans know about the truly egregious ways their government is spying on them.

Furthermore, Jim Sensenbrenner, who actually was a driving force behind Bush’s PATRIOT Act, commented:

While I believe the Patriot Act appropriately balanced national security concerns and civil rights, I have always worried about potential abuses.

... ... ...

Seizing phone records of millions of innocent people is excessive and un-American.

So we must be aware that we live in a world in which, by a secret legal opinion, the power of the PATRIOT Act was extended to justify very extensive spying around the world on US citizens and, indeed, through exchanges of information, people in many nations. This reached the stage where we saw the Chancellor of Germany, the President of Brazil, the wife of the President of Indonesia amongst those who were basically spied upon and had their communication interfered with. We have seen a significant number of instances around the world where, under the guise of national security, this kind of power has been utilised for corporate requirements. We have a situation where there are allegations that, in dealings with our own neighbour, Timor, the negotiators in that operation were basically listened to illegally. We live in that kind of context.

We must also be mindful that there is a very big question of how useful this technology is in combating terrorism and extreme crime, and there is also a question about the limited time that the data is useful for. The estimates in Europe are that 90 per cent of the requests are for information from the previous 12 months. Frank La Rue, the UN special rapporteur, commented:

When accessed and analysed, even seemingly innocuous transactional records about communications can collectively create a profile of individual’s private life, including medical conditions, political and religious viewpoints and/or affiliation, interactions and interests, disclosing as much detail as, or even greater detail than would be discernible from the content of communications alone.

The UN High Commissioner for Human Rights commented:

... it has been suggested that the interception or collection of data about a communication, as opposed to the content of the communication, does not on its own constitute an interference with privacy. From the perspective of the right to privacy, this distinction is not persuasive. The aggregation of information commonly referred to as “metadata” may give an insight into an individual’s behaviour, social
relationships, private preferences and identity that go beyond even that conveyed by accessing the content of a private communication.

I can quote another person I give a bit of credit to, perhaps more than some people: Chancellor Merkel of Germany:

For the possibility of total digital surveillance touches the essence of our life. It is thus an ethical task that goes far beyond the politics of security. Millions of people who live in undemocratic states are watching very closely how the world's democracies react to threats to their security: whether they act circumspectly, in sovereign self-assurance, or undermine precisely what in the eyes of these millions of people makes them so attractive—freedom and the dignity of the individual.

Whilst in Germany, one of the other questions is the degree to which this measure would actually be effective. We are seeking, of course, to attack terrorists—religious fascists, psychopaths and sex criminals who are recruited to these kinds of causes—and, as people have commented, paedophiles et cetera. However, the Arbeitskreis Vorratsdatenspeicherung commented in Germany:

Blanket data retention can actually have a negative effect on the investigation of criminal acts. In order to avoid the recording of sensitive and personal information under a blanket data retention scheme, citizens increasingly resort to internet cafes, wireless internet access points, anonymisation services, public telephones, unregistered mobile telephone cards, non-electronic communications channels and suchlike. This avoidance behaviour can not only render retained data meaningless but even frustrate targeted investigation techniques (eg wiretaps) that would possibly have been of use to law enforcement in the absence of data retention.

It is interesting to note that President Obama's Review Group on Intelligence and Communications Technologies—one would think that they might have done a thorough review; one would think that they might have had some equipment to investigate these matters—commented:

Our review suggests that the information contributed to terrorist investigations by the use of ... telephony … meta-data was not essential in preventing attacks…

That was the comment of the group. They went on to recommend that:

… as a general rule, and without senior policy review, the government should not be permitted to collect and store all mass, undigested, non-public personal information about individuals to enable future inquiries and data-mining for foreign intelligence purposes.

We have real questions as to the effectiveness: balancing the intrusion into people's lives with whether it will actually be that important in combating these crimes. We have questions about how long data should be retained and what percentage of it is actually useful after the event.

On the other side, of course, we must be aware of the growing corporate interest in ensuring that more people are snooped upon. In an article by David Cole in The New York Review of Books on 8 January this year, he made the point:

The US spent $3.3 trillion on counterterrorism in the first decade after September 11. There are forty-six separate national security agencies. Some 854,000 people have security clearances from the US government. Private technology and security companies, which land huge government contracts to develop and operate better surveillance tools, have become one of the nation's most lucrative industries. As a result, substantial institutional forces will press for expanded security authorities, and will seek to create ever more powerful ways to monitor human activity.

So indeed, as I said at the outset, I am thankful for small mercies—the committee has been persuasive upon the government. The context in which they did this was not encouraging.
Next month it will be 400 years since Samuel Johnson said—probably of Edmund Burke—that 'patriotism is the last refuge of the scoundrel'. I have to say that, when we see the Prime Minister of this country grabbing every flag in sight to place behind him as he makes announcements in this policy area, we might replace the word 'patriotism' with 'national security'.

It is interesting to note that the previous speaker made references to the so-called draconian efforts of the previous government with regard to the question of the internet and other areas, and that it outrageously tried to trample on people's rights. The government has to accept 39 amendments to a bill introduced by the Minister for Communications. This is a man who, like the member speaking previously, was critical of the previous Labor government's initiatives. Yet the bill he introduced has to accept 39 significant amendments so that people's rights were protected.

The work done by the committee was very important, because I do not regard this as the end point. Areas such as the Ombudsman's alleged ability to give people rights have been basically interfered with. It depends, of course, on the degree to which that organisation is financed, and I am pleased to see that there have been some agreements on that front.

There are very real questions about this, obviously, on the government side. I listened to the member for Berowra, a person that I respect deeply but, at the end of his contribution, he said that he did not think that these amendments were necessarily required. That was his conclusion. I have to say that I have more faith in the member for Ryan's comment that the amendments are indeed 'considered', 'sensible' and 'appropriate'.

The member for Berowra quoted extensively from an article in The Economist about the threats we face: the fact that 3,000 people in the United Kingdom were regarded as a dangerous threat to society. He also talked about commando raids, the soft targets that these people were exploiting and the fact that they needed scrutiny. In quoting that article in The Economist, he told us how serious the threat is, that there are many people who have been radicalised and that we should have measures. But I do not think there was any conclusion in that article whatsoever that justified the kinds of measures that we are moving towards. There seems to be some degree of difference as to how necessary these amendments are.

In summary, it is important that the dataset has been defined. Rather than it being an argument for this legislation, I find it alarming that there are 300,000 to 400,000 recourses to this. It is not just a question of the list of people that can access it being too long. Everyone is referred to—the RSPCA and various councils. There is also a question that the Australian public and the Australian parliament should be asking about whether it is too readily the activity of police and security forces to have recourse to this. Quite frankly, it is amazing that that level is thought to be necessary.

We also have the issue of the cost to these telecommunication companies. Quite rightly, the committee on all sides has fought to make sure that it is not advantageous to large telecommunications corporations as opposed to small operators, and there should be an up-front payment from the government. There is also the question of notification of breach, private alerts, for people who have been actively interfered with with regard to this. There is a recommendation for a mandatory review of the data retention scheme for no later than four years after the commencement of the bill. That is, indeed, very important because, as we have seen, in the United States in particular, there has been creep by the security forces well
beyond what the legislators originally intended in the Patriot Act. It is important that there be a review in that period.

Obviously, a comprehensive inquiry into the potential impact of data retention on the freedom of the press and protection of journalists' sources is important. I noticed a discussion in a program the other night about the question of who journalists are. I do not think the only people who should be defended are the Albrechtsens, the Bolts et cetera of this world, who will never be launching investigative inquiries into the way people are abused in the public service. I think there is a real question about people who are not full-time journalists, but who perform the role of informing the public and are investigative in the way they operate also being covered. I am not clear at this stage whether that is the case, but it should be.

In conclusion, this is a measure that, because of the activity of the committee, people on all sides, but most particularly the opposition, has come down to a broad series of suggestions that have been summarised by many members of this parliament. It is more than necessary. Even though it is so-called neutral metadata, there is a real fear the more that is known about people. I heard someone today jokingly ask—I think he was serious—are people worried that they might be found going to sex shops or whatever? This is a more serious matter. There could be a situation where, in a particular political cause, a large number of people have broad agreement and a common connection on a particular position, say, on Palestine or West Papua, but they are possibly being stereotyped and their privacy is being affected because it could emerge at a later stage that one person who agreed with them in affiliation on those issues had acted more violently.

Mr CIOBO (Moncrieff—Parliamentary Secretary to the Minister for Foreign Affairs and Parliamentary Secretary to the Minister for Trade and Investment) (18:15): I am pleased to speak to the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014. I have for some time had a particular interest in relation to data retention. In fact, prior to becoming a member of the executive, as a backbencher I was quite outspoken on data retention laws. I have been quoted in the media, raising concerns that I had with respect to data retention at the time, making the remark that they were 'tactics akin to the Gestapo'. I think those were my exact words.

I think it is important in the fullness of time to appreciate the context in which I made those remarks. We know as students of history that there have been many examples of governments misusing and abusing their power. I am someone who is fairly strong—at least, I like to think I am fairly strong—on civil liberties and a firm believer in the supremacy of the individual over the state. Indeed, that lies at the very core of why I am a member of the Liberal Party. So for those reasons I am often on guard in relation to state intrusion on personal rights.

I heard the member opposite cynically remark, 'That's because you were in opposition and now you are in government.' It is a shame that ignorant people make comments like those—ignorant because it is ignorant of the facts. The fact is that the proposal that Labor first aired on data retention was very, very different to what now lay on the table in relation to the coalition government's proposal.

The key difference and, I think it is fair to say, the most salient point in this debate that is conveniently overlooked very readily by critics of this government's proposed data retention approach comes down to this. And it is a crucial difference. The laws that the Labor Party first mooted and proposed did many similar things to what the government is now proposing.
but, in addition, they required that web-browsing history—that is, originating IP addresses and destination IP addresses—be retained. In particular, it is the destination IP address that marks an absolutely fundamental difference between the proposal that Labor put forward when they were in government and what this government is now doing. The reason why it is such a stark and fundamental difference and provides a difference akin to night and day with respect to this legislation is that under Labor's proposals—when I made remarks about it being 'tactics akin to the Gestapo'—it would have enabled the state to not only have known who was sitting on the end of an IP address and tapping into their computer or on their telephone but also have known which web pages they were looking at. And by knowing information such as which web pages or bullets and board, Relay Chat, P-to-P service or whatever, the state was afforded a privilege completely unprecedented in terms of knowing what each individual member of that state was looking at, for how long they were looking at it, exactly which page on the internet they were on, how long they were reading that page, whether it was a cursory click and whether they spent an hour or more looking at it. We are not doing that. That is not the coalition's proposal.

Let me make it clear. If it had been, people would have known about my objection to us doing that. But we are not. I was pleased to be able to work within government, to speak to the Attorney-General, to speak to the Chair of the Parliamentary Joint Committee on Intelligence and Security, the member for Wannon, about my very concerns. They were not just my concerns; they were concerns that were held by a number of coalition members because, fundamentally, the true protector of civil liberties in this parliament is the Liberal Party. It is the Liberal Party that is the bastion of belief of the supremacy of the individual over the state. The socialists on the Labor side will always put the needs of the collective above the needs of the individual. But not us. As a Liberal, I was very pleased to work within government and to build on the very fine work that was undertaken by the Attorney-General, the Minister for Communications, and the Parliamentary Joint Committee on Intelligence and Security, who determined that access to actually knowing which web pages were visited and for how long they were examined went well and truly above and beyond what was required for intelligence purposes.

We live in a new era, unfortunately. The threat from individual actors and, more broadly, from groups and organisations, whether you call them lone wolves or terrorist cells, has never been as strong as it is today. That is a simple statement of fact. We have already seen, unfortunately, too many examples in this country of those that want to infect our nation with fear by carrying out the most obscene and repugnant acts against private individuals and citizens who were simply going about the ordinary course of business in their lives. In that context, one of the primary responsibilities of government and, indeed, of the parliament is to provide safeguards to the general population that we will do what we can to thwart the terrorists' activities in planning stages. One of the most fundamental ways that we can do this is through the use of metadata.

If you go back to the commencement of mobile telephony, you would know that the world was a very different place. I recall one of the very first mobile phones that was available in the retail market. It was an old analogue. It would have been around about 1992. At the time, telecommunications companies routinely kept what is referred to as metadata. They knew who was the account holder, that is, the name of the person who owned the account. They
knew the originating source of, for example, a call, in this case, that is, who was making this phone call and what number they were making it from. They kept who they called and they kept the duration of the call. The reason that telecommunications companies did that is because that was how they charged. Who did you call, how long did you speak to them for, was it a local call, was it an STD call, was it a call to another mobile? The duration of the call then determined the price you were charged. That was routinely kept because it was important billing information.

What we learned over time was that that information was invaluable to our law enforcement agencies in undertaking their work. The fact would simply be that there would be scores of people who are in prison today or who have been imprisoned as a direct result of that metadata. Without that data, those people would still be on the streets or would not have been convicted of a crime that they committed. They were convicted for no reason other than good investigation and metadata. It is a statement of plain fact.

With changes in billing, that is no longer routinely kept information. Most people know that, in this day and age, you can sign up for a mobile phone plan with unlimited calls, unlimited SMS and data services that basically have unlimited amounts of data in any particular billing cycle. The need for telecommunications businesses to continue recording that information, such as who the account holder is, what number they are calling from, what number they are calling to and how long they spoke for, is no longer a billing requirement for the telecommunications companies. For that reason, many telecommunications companies are in the process of having either phased out or commenced phasing out the retention of this information.

This is the challenge that presents itself to government: this very vital tool of data, so crucial to the effectiveness of our law enforcement agencies in investigating and prosecuting criminal activity and illegal activity more broadly, is being phased out. So, as a government, we have responded, I think, in a very appropriate way. The framework that is in this legislation says we must retain that data. We have extended it to also include, for example, IP data, such as who holds the account from which a computer is accessing another computer on the internet.

Again, I stress that we are not interested, as a government, in knowing which page someone was looking at on the internet. We are not interested in the destination IP address, because the way these investigations routinely work is that our law enforcement agencies and, indeed, others around the world work collaboratively. Take, for example, one of the most repugnant crimes that there is—child pornography, the assault of innocent children. Law enforcement agencies will find a site that contains this repugnant material and they will watch which IP addresses are going to that particular site. Sometimes those that are accessing those sites, of course, attempt to mask their address through the use of proxies. But once they know what the IP address is, they can then trace the steps back to know which computer it has come from and who the account holder is. They still do not know who was actually sitting behind the computer at that point in time, of course. But they do know who held the account and they do know that that site was accessed.

The retention of this information under this legislative framework is about enabling our authorities not just to prosecute potential terrorists but to prosecute those engaged in all sorts of criminal activity or those for which there is a pecuniary penalty, and that is appropriate. As
someone who has been a strident advocate for civil liberties, I do not walk away from the fact that the key tipping point for me in this debate is destination IP addresses. Who you have called and the phone number you have called from is information that has essentially been in existence since we commenced using telephones and commenced charging for them. It has been decades. Who the account holder is and which IP address you are using is information we need, and I do not believe it is that much of an incursion on civil liberties for us to know which computer is being used.

It is an incursion to know which web page you have been to. The state does not need to know that. But it is not an incursion to know that you hold an account and that that account was used in accessing whichever particular site might be monitored by authorities—not every site, but a site that is being monitored, for example, if it had, as I mentioned, child pornography on it. For those reasons, this legislation by this government is appropriate. It is very different to Labor's original proposal that I railed against.

The concerns that I know have been put forward by journalists in relation to the protection of their sources are concerns that have been addressed by the coalition and the Labor Party by including an amendment to require a warrant when it comes to revealing a journalist's source. That ability existed for a lot more agencies than it does under this legislation, and it was not abused previously by this or any previous government—or, more importantly, by the agencies themselves. So safeguards are in effect and it is important to realise that, if we do not have retention of this data, then we are effectively removing the opportunity for our agencies to be able to prosecute those who engage in all sorts of nefarious activities—from terrorism through to child pornography—and that is too high a price to pay.

Ms RYAN (Lalor—Opposition Whip) (18:30): I rise to speak on the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014. I, like most of my Labor colleagues, have worked long and hard to come to grips with the complexities of this issue. We have tried to be as responsive as we can to our own concerns, the shared and individual concerns of the caucus, as well as the shared and individual concerns of the community. It is a complex issue and it is one that takes time and energy to come to grips with. I am not a lawyer—I know there have been many with a background in law who have spoken on the bill today. I was a teacher, so for me the process in going through this is based around common sense. I am not au fait with the intricacies of the law, but I can understand the common-sense argument. So I rise tonight to give some understanding as to how and why I have come to the decision to support this bill.

When the legislation was first introduced by Minister Turnbull, it was clear that additional sensible amendments were needed. It was clear, even to someone without a law degree, that what was put before us for consideration did not have checks and balances, did not have the appropriate balance between personal freedoms and community safety. It was interesting to hear the member for Moncrieff talking about the positions that the coalition took, when they were in opposition, on the work done earlier by the Labor government. It was interesting to note that Minister Turnbull said in 2013 that he thought the legislation in this area would have a chilling effect on free speech and that he must record his grave misgivings about the legislation that was put before the coalition by the Labor government.

But I think we have all moved a long way since then. And we have done that because of the hard work of the Labor Party in the months since we managed to get the legislation
referred to the Joint Parliamentary Committee on Intelligence and Security. Across those months, all of us on this side of the chamber have worked hard to understand this. We have engaged in long conversations with the members of that committee about the progress of the recommendations, about the hearings that were held, about the stakeholders that were listened to and about the very careful and deep consultation and discussion that was occurring not only among the members of that committee but also in public hearings and with the parliament.

I am reminded of one of the first conversations I had about this legislation, which was with the member for Gellibrand, who is on our side and acknowledged as having a degree of expertise in this area. I was surprised when the member for Gellibrand explained to me that, under the current system, my local council could be accessing metadata that tells them who I am ringing, how long the calls are and where I am when I am making those calls. I am sure most people in the community have similar feelings and misgivings about unsworn officers accessing our metadata. These people are not members of our police forces or security agencies, they are not people who have been trained, sworn and have protocols and protections and accountabilities in place in their organisations. Of course, I was also reminded that my local council was one of the councils that had authorised its officers to access the metadata of residents and that they had done this through telcos. This goes to the core of why we are all standing here today to pass this legislation. The current situation is that councils and others, as many have been on their feet to talk about today, can do that.

Wyndham City Council could come in here as they did with me when I spoke to them about this when it hit the press. When Wyndham City Council did this, they were the only Victorian council to have done it and they encountered enormous backlash from both their own community and the broader picture and community. If you listen to the story of why they accessed the metadata of residents, their rationale was not sinister. They had someone who had been attacked by a dog, and the owner of the dog left their mobile number but then fled. Wyndham City Council sought to find that dog owner through the people who register dogs. This work may have been better referred to the police. I am sure everyone in this chamber now would argue that the legislation before us is reasonable because in that situation it would be referred to the police and it would be sworn officers of the police department who seek that metadata. And Wyndham City Council were not alone. Other councils did similar things. There was also access by authorities such as Work Safe.

What I have learnt across the last three or four months is that in the current situation the bar has been set too low. It is too easy for people to make what the member for Griffith calls warrantless access applications. We know that in the last year there were half a million access requests granted. That is an enormous number, and the public need to know that this legislation will change the current situation, that we are looking at an area that is largely unregulated and that we are moving to a space where there will be regulation.

I have listened with great interest in recent months and today as members on this side of the House have talked about the work of the security committee. I acknowledge the work of my colleagues on that committee, because the shape of this legislation now after that hard work is about consistency—consistency about keeping the data; that it will be two years for all data. There will not be an influx of people leaving one company for another to get around the basics of this legislation. There will be consistency around the type of data that is kept and, as we have heard all day, that is when talking on the phone: whom you were speaking to,
where you were and for how long you were speaking. We have an understanding that emails will not include the content line.

I have to join my colleagues and mention that it has been disappointing that the legislation was first rushed into this parliament in no state for debate and in no state to become law. It was done so under the presumption of terrorism, when in fact it has come to light that metadata is used minimally against terrorism but, most importantly, all the time in fighting crime and assisting our police and other agencies to prevent crime and find the perpetrators of crime after the fact.

We have made some wonderful improvements during these three months. I want to assure the people in my community—the young people in my community who have concerns about metadata being used in civil litigation and families concerned that metadata could be used in family law courts—that one of the changes that will be brought down is that the limitations will be around criminal legislation, not civil action. That is a really important thing to stress.

It is also important to stress the other changes that go to the core of why this legislation was not ready when it was rushed into the parliament. One of those issues is around the notion that the dataset, or the parameters of what was going to be retained, could be changed by regulation. I welcome the amendments, because it will not be the case that we will have to come back to this place, and any changes will have to be passed in the parliament. I also note the important inclusion of ASIC and the ACCC being able to access metadata to facilitate the prosecution of white-collar criminals. This is something that the community will appreciate.

The other improvement is around requiring telecommunications companies to provide consumers with access to their own metadata upon request. This could be used in any individual's defence in terms of proving where they were or where they were not. So it could have a personal use for members of the community.

As many of us have said today, the other important thing is—having just read about some of the breaches of privacy in the UK over the last several years that have culminated in prosecutions—that we will also be implementing a mandatory data breach notification scheme, where, if individuals have had their data breached, it will be law that telco companies notify them that there has been a breach in their privacy, that someone has accessed their data without proper consent. This is really important and it will bring some comfort to people.

I think this legislation is about finding the balance between personal freedoms and collective safety, and I thank the Labor Party for the work that they have done to get it into a space where the community—my community—will accept this as being for the good of our community.

There are lots of other issues. The data will now be encrypted—currently, it is stored and not encrypted—and that is another level of safety. There is an agreement to have a comprehensive inquiry into the potential impact of data retention on the freedom of the press, and that we come into a place where those warrants will have to be used to access the metadata of journalists. This shifts responsibility from the Attorney-General—or, let me be blunt, from any politician in this place—to a member of the judiciary in cases where the police can show cause and be given a warrant to access the metadata of journalists.

There are other concerns not so much around personal freedoms or personal privacies but around the cost to business. We have commitments from the government that this will not
become a digital data tax and that measures will be put in place to support companies and to
effect that this does not become an unfair burden on smaller businesses and start-ups. We
need start-ups and innovation in this area to drive our country and our economy forward.

The other contentious issue is around offshore and onshore storage. There have been long
conversations on this, and we are looking for guarantees that that storage will be onshore and
stored in Australia. There have been long conversations in our caucus, in the community and
in the security committee. I hope there have been similar conversations across the chamber.

There are many amendments to the original legislation that was put before us—all of them
are improvements, including giving oversight to the Ombudsman, and guarantees that there
will be sufficient funding and resources for the Ombudsman to ensure the oversight occurs
efficiently.

So, I see this as being quite a long journey to get here, but it is a beginning, really. It
establishes the necessary balances between personal freedoms and community safety. It
establishes a standard for independent oversight. And it is critical, going forward, that we
have behind us, as a parliament, the community's trust that we can deal with complex issues,
that we can respect their concerns, that we can work together in the joint committee and that
the joint committee will be part of the oversight going forward. That, I think, gives some
comfort to the community, and certain sections of the community are very anxious about this
legislation. I support the amendments, as they have much improved what many of us on this
side have said was a shabby piece of legislation. But what we have before us tonight is an
improvement on the current unregulated status quo. It will protect Australians, it will help us
fight crime and it will protect our privacy and our safety as well. I commend the bill to the
House.

**Ms O'DWYER** (Higgins—Parliamentary Secretary to the Treasurer) (18:46): Modern
communication technologies have drastically changed the way people communicate locally
and globally. But just as everyday Australians have adapted to new technologies and have
found easier, more instantaneous ways to communicate, so too have those who look to cause
harm to our society and to our people. It is up to governments to put in place prudent
measures that will protect the security of all Australians—prudent measures that assist our
intelligence and law enforcement agencies to investigate, protect against and prosecute those
who wish us ill and threaten our national security. Of course, governments must always be
wary of laws and policies they put in place and be wary of how far they intrude into people's
lives. There is always the need to balance what is good for the nation and what is good for its
citizens.

The Telecommunications (Interception and Access) Amendment (Data Retention) Bill
2014 is critical to protecting our citizens and our nation. This legislative package contains a
number of reforms to prevent the further degradation of the capabilities of our law
enforcement and national security agencies. It is important that they are equipped to do their
jobs and do them properly. Access to metadata plays an important role in almost every
counterterrorism, counterespionage, cybersecurity and organised crime investigation. It is also
used in many serious criminal investigations, including investigations into murder, serious
sexual assaults, drug trafficking and kidnapping. Indeed, we have heard in recent times from
our intelligence and law enforcement agencies just how important it is for them to access
information to enable them to do their job. The Australian Federal Police Commissioner,
Andrew Colvin, has said that between July and September of 2014 telecommunications data was used in 92 per cent of counterterrorism investigations.

This is nothing new. The importance of telecommunications data to major counterterrorism investigations was well and truly made clear 10 years ago in Operation Pendennis, a combined ASIO and law enforcement operation that prevented a mass-casualty terrorist attack in Australia. Telecommunications data was used to identify a covert phone network that was being used in an attempt to hide activities from ASIO and the police. If it were not for this data being available, it is unlikely that the authorities would have understood the network of people involved in the planning of a terrorist attack. As a result of the work undertaken by ASIO and law enforcement, a mass-casualty terrorist attack on the Melbourne Cricket Ground was avoided and this work led instead to the arrest and conviction of 13 men on terrorism charges.

Telecommunications providers already store data they require for their own business practices. Often this is done to enable them to invoice their customers appropriately. However, changing technologies and business practice mean that providers are now keeping fewer records about the services they provide and are keeping those records for shorter periods of time. This has resulted in there sometimes being a lack of information available to our investigative agencies. In June 2013 the bipartisan Parliamentary Joint Committee on Intelligence and Security concluded that these changes have resulted in 'an actual degradation in the investigative capabilities of the national security agencies, which is likely to accelerate in the future'—a stark warning indeed. Given the current environment of threat that our country faces, we cannot let this essential capability deteriorate any further. David Irvine, the former Director-General of ASIO, has said, 'Unless metadata storage practices are changed, law enforcement and counter-terrorism efforts will be severely hampered.'

This bill will create a minimum, consistent obligation for record keeping across the Australian telecommunications industry, for law enforcement and security purposes, by requiring specific categories of telecommunications data to be retained for a period of two years, subject to implementation and exemption arrangements. It is important to stress that this bill does not include any changes to the current access regime for metadata. Currently the Telecommunications (Interception and Access) Act allows law enforcement agencies to access metadata where reasonably necessary for the enforcement of criminal law or laws imposing a pecuniary penalty or for the protection of public revenue. It is also important that we consider what metadata actually comprises. Metadata—the data this bill considers—is information about a communication, not the content or the substance of a communication. For example, for the internet, data could be information such as an email address and when an email is sent but would not include any of the content of the email itself, such as its subject line or the body of the email. The substance of a person's communication will continue to only be able to be accessed under a warrant. That is not changing, and rightly so. Data captured under this bill may only be accessed on a case-by-case basis where it is reasonably necessary for a lawful purpose, such as part of a national security investigation.

I acknowledge that there has been some concern surrounding these proposals. However, the government has introduced strong safeguards and protections in this bill to ensure that individual liberty is not unduly interfered with. These protections come on top of a number of safeguards and oversight mechanisms already in place. The Privacy Commissioner already
plays a critical role assessing industry compliance with the Privacy Act. Protecting the security of personal information remains a key priority of both government and industry, and we expect that the standards and safeguards that industry already have in place to secure private information will continue.

This bill will implement additional oversights for the new data retention regime, in line with the 2013 recommendations of the Parliamentary Joint Committee on Intelligence and Security. The bill limits the access to data to agencies, such as law enforcement and intelligence agencies, that have a clear need for such access and well-developed internal systems for protecting privacy. Indeed, despite all the noise and all the chatter, the range of agencies permitted to access telecommunications data will be reduced—not increased—from around 80 agencies to around 20. The current open-ended definition for which agencies can access the data will be replaced with this shorter prescribed list of key agencies, and supplemented with new declaration power for the Attorney-General to declare, at his discretion, a new agency that meets strict criteria relating to their need to access stored communications or data and their ability to protect privacy whilst doing so. In addition, this bill will also introduce, for the first time, comprehensive oversight by the Commonwealth Ombudsman for any Commonwealth, state or territory law enforcement agency accessing retained data. These new safeguards will, in fact, increase privacy protections.

Further, the government has indicated that it will move an additional amendment to require agencies to obtain a warrant in order to access a journalist's metadata for the purposes of identifying the journalist's source. Warrants are typically reserved for the most intrusive powers, such as the power to use force to enter a property, to intercept phone calls, use surveillance devices or to arrest a person. This bill does not, and did not, target journalists or their sources. Clearly, this additional protection for journalists and their sources is a demonstration of that.

Just before I conclude my contribution to this debate, I would like to acknowledge the work undertaken by the bipartisan Parliamentary Joint Committee on Intelligence and Security. The committee undertook a detailed consideration of the bill and considered a wide range of issues raised in evidence by a wide range of stakeholders, who participated in its inquiry. I particularly acknowledge the chair, the member for Wannon, Mr Dan Tehan, a good friend and colleague, who worked hard together with the rest of the committee members to deliver a unanimous, bipartisan report into this important bill.

This is an important bill, which deals with changes in technology and ways of communicating. As I spoke of earlier, just as Australians have themselves adapted to new technologies and have found easier, more instantaneous ways to communicate, so too have those who would look to cause harm to our people and our nation. It is clear that the government and this bill are putting in place the prudent measures necessary to protect Australian citizens against harm, whilst keeping a strong check on interference with individual liberty. I commend the bill to the House.

Ms CLAYDON (Newcastle) (18:56): I rise to also add my voice to this important debate on the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014. It is vital that we have these discussions and debates in this place as we work to set up a new legislative framework aimed at balancing the often competing needs of law enforcement
It is important to note at the outset that this is controversial legislation, and I can understand why there has been widespread discussion in our communities regarding its purpose. It has, after all, been very poorly explained by the government, and the bill, as first introduced, was grossly inadequate. This is why Labor has insisted that the legislation undergo a rigorous process of review and amendment to reach the point of debate that we have today.

Constituents in my electorate have rightly contacted me with a range of questions and concerns regarding various aspects of the legislation, from differing points of view. Not everyone supports the bill, and some may never believe the reasons for it are valid. The status quo, however, is bereft of privacy protections and lacks real oversight over the use and potential misuse of data.

When the data retention scheme was first introduced in the previous parliament, the now Minister for Communications, who introduced the current bill before the House, had his own reservations and questioned the premise of data retention himself. People in all political parties have concerns about the mandatory retention of telecommunications data. Legislation like this raises legitimate and serious privacy issues, and it is important that they are addressed.

The bill being debated today establishes a mandatory data retention scheme where, for the first time ever, telecommunication companies will be required to standardise the type of data they collect and the amount of time they hold it. More importantly, in my view—given that the law enforcement agencies are already accessing our telecommunications data right now, with very few rules and oversights in place—the recommendations of the Parliamentary Joint Committee on Intelligence and Security, if adopted, will place tighter rules and, for the first time, proper oversight of the agencies that access our data and the way it is used. These are important protections and they are sadly lacking from the existing regime.

What is the situation with data retention? As the committee heard, in evidence, the retention of very large volumes of telecommunications data by private companies, such as telecommunication and internet-service providers, has been occurring in Australia in a largely unregulated manner for many years. This data is currently accessed under the Telecommunications (Interception and Access) Act by a very large number of agencies. It is accessed hundreds of thousands of times per year without the need of a warrant. Our data has been harvested, retained and accessed for many years. Data retention is not new in Australia.

The 2012-13 data was accessed by some 80 different agencies with criminal-law or revenue-protection functions. These agencies included federal, state and territory police, Medicare, local councils, the RSPCA, the Australian Taxation Office, Australia Post, ASIC and ASIO. In 2012-13 metadata was accessed 330,640 times. That is an 11 per cent increase on the previous year and a jump of 31 per cent over the last two years. Fast forward 12 months to 2013-14 and this number increased to more than 550,000.

As referenced by Mike Seccombe in The Saturday Paper, last weekend, the magnitude of these figures invites a number of observations, chiefly that this bill is not substantially about counter-terrorism. Despite assertions from the Prime Minister that the data retention bill is the...
vital next step in giving our agencies the tools they need to keep Australia safe, access to these tools is already available. This was referenced by the Minister for Communications when introducing this bill and is detailed in the bill’s explanatory memorandum. The minister said that this bill does not expand the range of telecommunications metadata currently being accessed by law enforcement agencies, it simply ensures that metadata is retained for a period of two years.

The dramatic increase in data access is in line with the fact that we are creating an ever-greater corpus of data for authorities to access. More data and more companies equals greater risk of misuse. More care and increased oversight is therefore needed. Arguments that retention is pointless—because ill-doers and criminals can use encryption programs to hide their identities or because the regime will not capture all of the overseas data—really ignore the need to address our unregulated open-slasher access for data that we currently have.

Whilst this bill is not in a form that Labor would have drafted if it had been in government, and while the bill will not stop terrorism or protect citizens against all crimes, it will ensure that data access is regulated and subject to privacy laws, for the first time ever.

As referenced earlier, when this bill was introduced it was a skeleton of the draft legislation before the House today. Earlier this year, the Leader of the Opposition wrote to the Prime Minister outlining a number of serious concerns Labor had with the original legislation introduced by the Minister for Communications. Labor insisted the bill be subject to scrutiny by the PJCIS before being debated by the parliament in full. The parliamentary joint committee received hundreds of submissions from concerned citizens and organisations and held several days of public hearings. After considered scrutiny and substantial amendment of the original legislation, and having secured support for 38 recommendations, we are now in a position to support this bill. I acknowledge the work of the committee in coming to these recommendations—in particular, the work of the shadow Attorney-General and the shadow minister for communications.

Through the rigorous process of the parliamentary joint committee, Labor achieved a number of very substantial amendments to the bill. The bill, as amended in response to the committee's recommendations, is of a wholly different character from the original bill. As the Liberals now concede, albeit reluctantly, it was a bill that was manifestly inadequate. Key features of the proposed data retention scheme were not settled, and the government's proposal to give these over to executive regulation was not acceptable to Labor. Oversight was inadequate. Safeguards were too limited. We remedied these problems through the committee process. The bill today is a very different creature from what was originally presented to this House, and it is only in its current form that Labor is able to offer its support.

I remind the House that the committee made 38 substantive recommendations. I focus now on some of those key recommendations that Labor achieved through its work with the parliamentary joint committee process. In its original form, the bill left the definition of dataset to be retained to regulation. It set only very loose parameters on matters that the prescribed information must relate to. That is to say, the government's bill barely addressed the central detail of its own proposed scheme. Labor demanded, however, that the dataset be fixed in the legislation. Labor has made sure that parliament and the Australian people are able to properly consider the scheme. This will ensure that business has certainty and that
consumers know what information is being stored. The government will not be able to expand this scheme without returning to parliament.

In its original form, the bill limited access to retained data to a list of agencies. The government made a lot of noise about this change, claiming it limited the scope of the scheme; however, the bill also gave the Attorney-General a very broad discretion to add further agencies, by regulation, without the full oversight of the parliamentary process.

Labor insisted that only agencies specifically listed in the legislation would have access. The Attorney-General cannot add further agencies without legislation, subject to an emergency power to add agencies for a very brief period of time ahead of that legislation being brought on in the parliament. It is Labor's position that only agencies dealing with national security and serious law enforcement, such as the Australian Federal Police and the state police, should have access to data under the scheme, and we should have proper parliamentary and public debate if the government proposes to extend access to other agencies. Labor also pushed for the inclusion of ASIC and the ACCC—agencies which presently use telecommunications data to investigate white-collar crime.

The government's bill did not prevent retained data being accessed in ordinary civil litigation. Labor again pushed to close this loophole. Private information retained for the national security and serious criminal law enforcement should be used for just that. This amendment to the bill will ensure that data retention cannot be used for copyright enforcement—an assurance the government has been unable to give convincingly.

The original bill did not provide for individuals to access their own data. Labor asked that the bill be amended to make it clear that individuals can access their retained data. Labor believes that this is an important application of privacy law principles. Australians should always be able to access personal data that companies keep about them. The original bill did not provide any way of individuals knowing if the security or the privacy of their data had in fact been breached, even though this had been recommended by the Parliamentary Joint Committee on Security and Intelligence in an earlier report in 2013. Labor ensured that the government fix this by implementing mandatory data breach notification legislation—legislation which Labor has called for long before the data retention proposal. Australians have a right to know when the security of their data has been compromised, Mandatory data breach notification gives individuals some comfort about the security of their data and, when there is a breach, allows them to take protective action.

The government's bill made no provision for the encryption of data—again, even though this had been recommended in 2013. Labor pushed for the bill to require encryption. Australians should have assurance that their data is protected, and encryption is currently the best means of ensuring that Australians' data is kept secure and private under this scheme.

The government's bill provided an oversight for the Ombudsman; however, Labor was not satisfied with this. Again, through the committee, we have made the government commit to fully funding the Ombudsman to undertake this new expanded role. Crucially, as recommended by former Senator John Faulkner, we have pushed for the very first time for the parliamentary joint committee to itself have oversight of operational matters. Through the committee we demanded a full, considered and informed review of the scheme by the parliamentary joint committee two years after the scheme is fully implemented. Labor
ensured that agencies will be required to collect and retain relevant statistical information to support this review. Documentation of all access requests must be retained until that review.

We were not able to resolve all of our concerns through the committee process, however. As the opposition leader has said numerous times during the public debate about this bill, Labor holds serious concerns about the effect of the government's bill on freedom of the press. We know that working journalists fear the data retention scheme will compromise the identity of their sources. Labor has also been clear that we share this concern. In principle, Labor believes that the relationship between a journalist and their sources should be protected by warrant. This is why we made our support for this bill conditional on an additional amendment. While the government has resisted this—in fact, the Prime Minister and the Attorney-General have said they do not believe it is necessary—Labor will not offer its support for the bill without this condition being met.

Another point of contestation which has not been resolved within the committee relates to the obligation that companies stores their data here onshore in Australia. Former Director-General of ASIO, David Irvine, said at a recent defence and national security roundtable that he would be concerned about the security of retained data if it were stored overseas because it would be governed by someone else's sovereign legislative system. (Time expired)

Mrs GRIGGS (Solomon) (19:11): I also rise today to give my voice to the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014. In dealing with this legislation, I think the most important thing that we can do in this parliament is frame this debate around reality. If you actually listened to those opposite you would think that they are going to vote against this piece of legislation. We need to peel back some of the hyperbole, some of the misconceptions and some of the fear-mongering that has surrounded what is a very moderate, sensible piece of legislation. But those on the other side cannot help but politicise. There was a case in point the other night with the member for Perth's contribution to this debate. Those opposite are out there spreading a lot of mistruths about this legislation, painting a picture drawn more from an Orwell novel rather than from the actual content of this legislation. We know that those opposite do not let the truth get in the way of a good story.

So let us begin with what metadata is and what it is not. I think the most important point that people should bear in mind is that metadata is not the content of communications. Metadata is not what is said on the phone call. No-one has any interest in listening to the sweet nothings you tell your significant other or the conversations you and your friends have about the weekend's plans. Metadata is not your web browsing history. If you are browsing eBay late into the night, no-one cares. If you are spending your work hours on Facebook, that is a matter for you and your boss; it is not something that this legislation deals with or that we are actually interested in. Metadata is not the content of your emails. This legislation does not concern itself with what you are writing in emails.

So what is it? Metadata is the information about the communication. It is the material that is already recorded by your phone company to send you out the bill. It is what you internet service provider would log to record when you are online and how much data you consume. This legislation will ensure that this information, which your ISP or phone company would keep for only a short time and in a variety of formats, is accessible to law-enforcement agencies, if needed to investigate a serious crime.
Metadata is something that is already used across a huge spectrum of criminal investigations. People planning terrorism, conducting espionage or trading in illegal material leave a trail of digital breadcrumbs. Modern business practices mean that this information is not being stored for as long as it used to be. This is what this legislation is about: record keeping and preserving the data that already exists.

This legislation will ensure that if the Australian Federal Police or some other law enforcement agency needs to follow those digital crumbs to stop a crime or to catch a bad guy the information will still be there and it will be in a format that can be read. This is about record keeping, not surveillance.

Those opposite need to read the legislation a bit more clearly before jumping to conclusions. They need to understand what metadata is, what it is not, and engage in the argument on that front. We have seen a lot of hype, we have seen a lot of hyperbole, and we have seen straw-men appearing left, right and centre. This bill is not about thought crime and it is not about mass surveillance. It is about preserving some very basic data—data that already exists—in a usable form for serious crime investigations.

Going back to the origins of this bill, communications companies—phone networks, internet service providers, and social media and email websites—all store metadata. It is essential to their business. It is the information that has been used for as long as we have had these types of communication. It is used to manage networks and it is used to collate bills. The problem that has arisen is that these businesses are not retaining the data for as long as they used to. The bipartisan Parliamentary Joint Committee on Intelligence and Security concluded that this has resulted in ‘an actual degradation of investigative capabilities of national security agencies’. So, a bipartisan committee says that in losing these records we are losing a tool, a very useful tool, in the fight against crime, terrorism, and child exploitation.

This bill will create a consistent standard of record-keeping across our telecommunications industry. It will ensure that the trail of digital breadcrumbs the AFP may need to track down a jihadi recruiter, a hate preacher, someone organising serious fraud, or to stop an act of child exploitation from happening, still exists.

Now that we have defined what is actually in play here, I would like to mention to the House some of the safeguards that this legislation includes—the checks and balances that will ensure that the bill before the House today is used for its intended purposes and that individual privacy is preserved. The Privacy Commissioner already has a number of powers relating to compliance with the Privacy Act, and none of that will change. I will tell you something that will change. Fewer organisations will be able to access your communications data—fewer than currently can. This bill will actually tighten up the privacy requirements around metadata. Given the right circumstances, currently around 80 agencies could access your communications metadata. Once this legislation is in place that number will fall. It will go from around 80 organisations to around 20. For the first time, the Commonwealth Ombudsman will have an oversight role over any federal, state or territory agency that accesses this information. To sum up the situation on privacy, we have the Privacy Commissioner still in place, we have fewer agencies able to access these records and we have a new level of oversight by way of the Commonwealth Ombudsman.

Much has been made of the impact this bill will have on whistleblowers and journalists. Again, the debate on this front has gone quite a long way from the reality of the situation. The
bill does nothing to repeal whistleblower protections already in place. The bill does not roll
back any privacy laws with regard to whistleblowers and it does not remove any of the
protections afforded to them. In fact, the bill has additional safeguards in place for journalists,
including reducing the number of agencies that can access metadata and restricting access to
where it can be used in a criminal trial or a pecuniary matter. It cannot be used to identify
sources or leaks unless laws have been broken.

Earlier, I spoke about the work of the Parliamentary Joint Committee on Intelligence and
Security. I mentioned the very diligent work of that bipartisan committee, which got us to the
position that we are in here today to debate this bill. They released a report on this bill late last
month, and remember that this is a bipartisan committee. The committee included Labor
Senators Conroy, Faulkner and Wong, and Labor members of this chamber—the member for
Blaxland, Jason Clare, the member for Isaacs, and the member for Sydney. I would also like
to note, as other members in this House have, that a special thanks is due to the chair of this
committee, Dan Tehan, the member for Wannon, who has done an exceptional job.

The report had quite a bit to say about the dataset; the way that this legislation should deal
with this dataset; the agencies that should have access to the data; and the oversight
mechanisms. This government supported all the recommendations of that committee. There
were 39 recommendations and the government supports these. Recommendation 39 of the
bipartisan report was that this parliament pass this legislation. With that in mind, I commend
the bill to the House.

Mr THISTLETHWAITE  (Kingsford Smith) (19:23): I speak in support of this amended
bill, the Telecommunications (Interception and Access) Amendment (Data Retention) Bill
2014.

I have decided to support this bill after careful consideration of the facts and evidence, after
consultation with constituents in my community and experts, and after a thorough review of
the report of the Parliamentary Joint Committee on Intelligence and Security.

I wish to point out that this bill that we debate tonight is fundamentally different to the
original bill that was proposed by communications minister on 30 October last year. That was
a piece of legislation that I, and many of my Labor colleagues, did not agree with. I would not
have supported the bill in its original form. As a result of that opposition, the Labor
opposition leader, Bill Shorten, wrote to the Prime Minister in February of this year, outlining
Labor's concerns about the original bill proposed by the member for Wentworth.

The concerns related to the following issues: the impact of the proposed laws on the
privacy of citizens; the cost of the scheme, and who would be responsible for bearing that
cost; the period the data would be retained by internet service providers and therefore would
be accessible by government agencies; the safeguards for citizens in respect of their metadata,
and the fact that the original bill proposed no encryption of that data; whether or not the
public could access their own metadata; and the very serious issue of freedom of the press,
and the protection of journalists and their sources under Australian law.

The Leader of the Opposition, Bill Shorten, suggested to the Prime Minister that this bill be
given serious consideration through an open and resourced inquiry by the Parliamentary Joint
Committee on Intelligence and Security. Thankfully, and sensibly, the government agreed to
that inquiry. The inquiry ran over several weeks and received hundreds of submissions.
The inquiry also uncovered some interesting facts. Chief amongst those is that internet service providers already collect and store the metadata of their customers. They primarily do this for billing purposes. Most Australians would probably not be aware that their metadata is already being stored by their ISP, and that it is being accessed by government agencies routinely. Those government agencies go right down from the Australian Crime Commission and the AFP to local councils and other agencies such as the RSPCA.

Last year, there were half a million requests to access that metadata under the Telecommunications (Interception and Access) Act. Some of those requests related to investigations of very, very serious crimes. I highlight the example of the tragic rape and murder of Jill Meagher in Melbourne several years ago. The police were able to pinpoint Jill Meagher's body by accessing the killer's metadata. The fact that he used his mobile phone, and he had his phone with him when he dumped the body, enabled the Victorian police to access that metadata and put that metadata together to ensure that crime was solved.

The second fact that many Australians would not be aware of is that there is very little regulation regarding the privacy of metadata at the moment. It is a fact that the public cannot access their metadata. There is no encryption of the collection of metadata at the moment, and practically any agency can access that data under the Telecommunications (Interception and Access) Act. That probably includes police and other agencies accessing the metadata of journalists at the moment. That is something that people need to be aware of.

Labor insisted on the Parliamentary Joint Committee on Intelligence and Security inquiry to uncover these issues to ensure that Australians are aware of how the current system works and, importantly, to improve the system—to make sure that, if we are going to have this review of the current laws, we improve the way this data is collected and the use of it by Australian agencies. That is exactly what this amended bill does. This amended bill includes many of the 38 recommendations of the Parliamentary Joint Committee on Intelligence and Security, as a result of that very thorough inquiry and the evidence of those organisations. It seriously rectifies many of the deficiencies in the original bill that was introduced by the communications minister. It actually makes the current system much better, offering more privacy and protection for consumers.

Debate interrupted.

**ADJOURNMENT**

The DEPUTY SPEAKER (19:30): Order! It being 7.30 pm, I propose the question:

That the House do now adjourn.

**Defence Procurement**

Mr CHAMPION (Wakefield) (19:30): I rise to report to the House about submarines. The other night's *Four Corners* was a very interesting program that had a lot to do with the leadership of the government and the nation and the various contenders in all of that. Halfway through the program, it said:

Four Corners has been told by sources intimately involved with the project—referring to submarines—that the Government's top secret National Security Committee, which included key ministers led by the PM, debated the future submarines in October last year.
No final decisions were made in favour of Japan. But sources close to the discussions told Four Corners the meeting did support options for the bulk of the submarines' construction to go overseas and for only limited work to go to the Australian Submarine Corporation.

That is a very serious issue indeed for my state. Today we saw an article on page 3 of The Australian under the headline 'Sir Les, eat your heart out: PM adds Swedes to his Irish stew of international offence'. That is a very topical headline, I suppose, and one that tells the nation a bit about the quality of the Prime Minister, but The Diplomat did a far more serious article headed 'Australia's Botched Sub Bidding Process Upsets Sweden'. It refers to the fact that back in February, in question time, the Prime Minister, Tony Abbott, ridiculed the Saab Group's wish to bid for that contract and said:

The last Australian submarine came off the production line in about 2001 ... the last Swedish submarine came off the production line in 1996, so it's almost two decades since Sweden built a submarine.

He then accused the opposition of wanting to build a 1960s submarine.

We know now, because of a letter from Lena Erixon, the Director General of the Swedish Defence Materiel Administration, that this is not the case. In the letter—here it is for the House to have a look at—Ms Erixon talks about the fact that Sweden has been very active in the building of submarines, including building three new Swedish Gotland class submarines between 1996 and 1997, four Challenger class submarines for Singapore between 1998 and 2004, two Sodermanland class submarines for Sweden between 1997 and 2003 and another two Archer class submarines for Singapore between 2006 and 2013. One of these subs, the Gotland class, is called 'Sweden's little carrier killer', which indicates that this was a very capable submarine built at the time. There have been numerous articles about the Swedish submarines and, of course, the Swedes had an intimate involvement with the Collins class submarine. Interestingly enough, the Japanese submarine uses propulsion systems that are Swedish designed, and they have licensed Kawasaki Heavy Industries to build them in Japan. This is Swedish technology in a Japanese sub.

You might wonder why the Prime Minister is so enamoured by Japanese-built submarines, and I think we have to take into account the record of defence exports. Sweden, quite clearly, has a very sophisticated record of exporting submarines, including to our region. Japan has no record at all of exporting defence exports. It has not done any defence exports since 1976, when the then Japanese government outlawed it. Prior to that, there were very, very limited exports from Japan, little more than side-arms. So there is no record of defence exports from Japan. Article 9 of the Japanese Constitution severely curtails any exports that can be done by the government. It takes a two-thirds majority of the Japanese parliament to change that. What is more, there is a very, very strong pacifist constituency in Japan, for good reason given the experiences during the war.

We need to be very clear about the facts of this case—the facts of the companies and nations bidding for the submarine work. We cannot afford a Prime Minister who is not dealing with facts, either in this House or when he is undertaking these bid processes. We need a process that values a proper Defence procurement process and gets the right capability for Australia, based on the facts.

New South Wales State Election

Mr HOGAN (Page) (19:35): Mr Deputy Speaker Scott, I am sure you are very aware, even though you are a Queenslander, that on Saturday week there will be an election in New
South Wales—and a very important election, as they all are. We only have to go back four years and we can all remember the state of New South Wales after Labor had been in office for 16 years. To be as kind as I could, I would have to say that at the very least they had lost their way and the state was suffering as a result. In the four years we have had now of coalition government in New South Wales, much has changed for the better of the state.

I would like to talk tonight about some of my state colleagues and what they have been doing to deliver real infrastructure and real improvements to the northern rivers of New South Wales. I will start in the state electorate of Lismore. The member there, Thomas George, has been in that seat for 16 years—a very loved and very popular local MP. I will not run through them all because I would not be able to do it in five minutes, but I will run through some of the major commitments that the coalition and the state Nationals in my region are making at this election. Thomas George has committed $180 million to stage 3B of the Lismore Base Hospital. This is going to be a complete refurbishment, there will be extra beds and it will bring the Lismore Base Hospital up to a wonderful standard. He is also committing money to a multipurpose health centre at Bonalbo, which is going to be very important to the Bonalbo community, and he is making many other commitments in relation to roads and infrastructure around the electorate.

The candidate in Ballina is Kris Beavis. Kris was previously the CEO of the Westpac Rescue Helicopter Service, and also the president of the Ballina surf lifesaving club. He is a great candidate for us. I would not be able to run through all the commitments that he has made, but they include $50 million to a new super school in Ballina, which crosses a few electorate boundaries. They are also making a commitment to apply—there is a $50 million pot—to build rail trails in New South Wales. The rail trail that is proposed in the Northern Rivers would start in Casino and work its way through Lismore, Byron Bay and up to Murwillumbah. This will bring a whole new tourist dollar to the Northern Rivers. It would also, obviously, have a lot of spin-offs with other cottage industries along the trail. It is a very exciting proposal and, again, would be a great piece of new tourism infrastructure for our region.

The other state electorate that fits within Page is Clarence. The member there, Chris Gulaptis, who is a good man, has made some amazing infrastructure commitments on behalf of the state Nationals. He has made a commitment of $150-odd million for a new bridge in Grafton, which is an exceptionally important piece of infrastructure for Grafton that they have been waiting for for many years; and also, millions of dollars to build a new HealthOne precinct at Coraki after the previous Labor government closed the hospital there.

They are just a sample of some of the election commitments. The state Nationals also made sure that Essential Energy, which is the energy provider in our region, would not be leased but would stay in state ownership. They have secured the public ownership of the electricity supplier but have made sure that they have got some of the money by leasing some of the city poles and wires. They are also helping us with a 20 per cent contribution to the Pacific Highway upgrade, a major piece of infrastructure in our region. That is a $7 billion commitment by both governments. We are funding that with over $5 billion and their contribution is just a little short of $2 billion—again, a major contribution there from the state government.
We are all very aware that infrastructure is important. The state Nationals in this election campaign are certainly doing that. I would also like to make the comment that CSG is a very hot issue in that part of the world. I would just make the point that the previous state government issued the licences. The coalition government has suspended Metgasco's licence in our region and purchased back others.

**Holt Electorate: Little India, Dandenong**

*Mr BYRNE (Holt) (19:40):* Last month I was delighted to make my way down to the Little India cultural precinct in Foster Street, Dandenong to meet with two well-known and respected community advocates, Manoj Kumar and Kaushaliya Vaghela, at this wonderful Indian and South Asian precinct. We met to discuss the future of this precinct.

Little India is a quintessential Australian success story—a story of a wonderful migrant community that has transformed the face of Dandenong. It is a transformation driven by a community, the Indian community, which has made a profound contribution to the country. According to the 2011 census, Indian Australians make up around 1.9 per cent of the Australian population, totalling about 391,000 Indian Australians by ancestry; and 111,700 Indian Australians are living in Victoria, with many visiting Little India on a regular basis.

The history of Foster Street is really one of transformation by this dynamic community, who have literally transformed the face of the City of Greater Dandenong. I would like to briefly touch on the history of Foster Street, now branded as the Little India precinct in Dandenong. The first important stage in the transformation was in 1980, when the first Indian grocery and video shop was established in Mason Street. It subsequently relocated to Foster Street. The Punjab Indian sweet shop followed by opening on Mason Street, and in 1994 the first sari clothing shop, Roshan's Fashion, opened in Foster Street. However, over 30 shops in the precinct were vacant at the time due to the 1990s recession.

Roshan's sari shop was the start of the transformation of the street that brought life back to the area. Foster Street is the gateway to Dandenong, given its close proximity to the station and bus interchange. It is now filled with lively and colourful shops. There are approximately 37 shops in Little India, featuring specialty goods from India, Pakistan, Sri Lanka, Fiji, Bangladesh, Afghanistan, Nepal, Bhutan, Mauritius, the Middle East and Africa.

People from all backgrounds come from far and wide to enjoy and experience the vibrancy of this wonderful precinct. Fashion outlets with beaded saris, children's clothes and one-of-a-kind jewellery pieces are popular with shoppers here. Little India has an array of stores selling Bollywood movies and music as well as restaurants and grocers serving a wonderful array of Punjabi sweets, authentic spices and delicious meals.

In a recent survey conducted by the Federation of Indian Associations of Victoria, it was found that within a 20-kilometre radius of Little India in Dandenong, there are approximately 85,000 persons of Indian descent. This area has the highest number of specialty Indian shops, mostly contained within the precinct. The Dandenong Market also houses traders selling vegetables and spices traditionally used in Indian cooking that allow the population to feel a little closer to home.

In 2007, the Dandenong council noted the economic activity in Foster Street and, recognising the value of the area, named it the Little India precinct. Council promoted this...
precinct by running Little India cultural tours as well as providing distinctive signage and advertising.

Little India has also participated collectively in food and wine festivals, and visitors have been brought in by bus from various locations in Melbourne. It has featured in promotions supported by the council and on TV shows such as Postcards and Coxy's Big Break. It has also been written about in The Age newspaper, which compared the eclectic Foster Street charm with a new Brunswick, Lygon Street or Acland Street. That says a lot about the vibrancy of this particular street.

However, due to recent acquisitions by VicUrban of buildings surrounding this precinct, the Foster Street traders association and the Little India traders are fearful about the future of this unique precinct. Little India is an Australian success story. We should do everything we can and I will do everything I can to protect this precinct on behalf of the Indian and South Asian Australians and make it a better future for all to enjoy its charms.

In the time remaining I would just like to say that the Indian community has been an amazing community, particularly in the region that I represent. We recently had the Moomba Festival where Labour Day Bollywood star Pallavi Sharda was named one of the Moomba monarchs in order to strengthen ties with the Indian community in Melbourne. There is certainly a lot of two-way trade and a growing relationship between our two countries, augmented by the great number of Indian Australians in our community.

I was there recently to celebrate one of their great days, Holi. It showed the best of Indian culture. The Indian community has much to be proud of, but I will do what I can in this place to protect this great precinct, the Little India Precinct, in Foster Street, Dandenong. (Time expired)

Coastal Shipping

Mr O'DOWD (Flynn) (19:45): The coastal shipping trade in Australia has been in trouble for some time. Let me explain. While there has been a dramatic increase of 57 per cent in total Australian freight over the past decade, during this period shipping's share of national freight fell from 27 per cent to 17 per cent.

The number of major Australian registered ships with licences to move coastal freight fell, from 30 to just 13, during the six years that Labor was in power. And there was also a 2.4 per cent decline each year in the total weight of coastal freight in the five-year period, from 2008 to 2013, under Labor. It is disgraceful to see the decline of such an important industry.

Coastal shipping moves vital cargoes, including coal, petroleum products, LPG and, particularly in Queensland, fertilizer supplies. Gladstone Port, in my electorate, is an important port for cement and aluminium shipping. The Coastal Trading Act, put in place by the former Minister for Infrastructure and Transport, in 2012, has really sickened the whole trade.

The act was supposed to tighten restrictions on foreign ships operating in Australian waters. Did this happen? No. It has, instead, damaged the domestic shipping industry in Australia. Ships are being held idle at ports for a day before loading and it is costing domestic vessels twice as much as foreign vessels. The Maritime Union claim that this is not true but, because of this regulation, there have been rate hikes across the industry. Tasmanian company
Bell Bay Aluminium has reported a rate increase of more than $11 per tonne, or 63 per cent, when transporting from Queensland to Tasmania.

The Maritime Union also claims that there has been increased activity since the act was implemented, but that is not right, either. Shipping capacity has fallen by 64 per cent between 2012 and 2014. There have been 1,000 fewer journeys since this reform was passed and, as a result, hundreds of jobs have been lost. We told the minister so at the time that this bill came in! There have also been disastrous flow-on effects to other industries on land. The jobs of some 90,000 Australian workers employed in the manufacturing sectors using coastal shipping, including oil refining, steel and aluminium production, are at risk.

There is more congestion on our roads as a result of the ships slowing down and this is all putting pressure back on our road system and of course driving up costs. And the increased usage of our infrastructure is quickly wearing out our roads. Shipping rates are imposing excessively high cost on business. Currently, an Australian ship can cost around $5 million a year more than a foreign ship of similar capacity on the same routes. That of course is hurting jobs and affecting our manufacturing industries.

But I am pleased that our government is trying to fix the mess that Labor created. But how do you unscramble an egg? We are now doing something to remove the red tape imposed, which will help the industry and improve the shipping trade. It will create more jobs and it will go some way to reviving the coastal shipping trade in this country. The task is ahead of us.

It is good news for my electorate in Gladstone if we can keep these costs down and get the ships moving, because we are in a competitive world. We are a global trade and we must be competitive along with the other countries which have an advantage over us with cheaper shipping rates.

Labor came in. They replaced a system that was 100 years old. But do you know what? It worked. Since 2012 the whole industry has been hurting. I think it is up to those people on the other side to help us restore the faith in coastal shipping.

Employment

Ms BURKE (Chisholm) (19:50): I rise to draw attention to the increasing rate of unemployment in my electorate of Chisholm, which has seen a dramatic rise in joblessness over the last 12 months, something I have not seen in my time in this parliament, which is coming up to almost 17 years.

The release of the Small area labour markets report for the September quarter shows a sharp rise of unemployment in the suburbs of Burwood, Box Hill, Box Hill North and Blackburn South in my electorate. All suburbs, which have traditionally enjoyed high levels of employment, are now all markedly above the national average unemployment rate of 6.3 per cent.

Burwood is now at 10.2 per cent unemployment, up from 7.4 per cent a year ago; Box Hill is also at 10.2 per cent, up 2.9 per cent from a year ago; Box Hill North is at 8.6 per cent, an increase of 2.4 per cent; and Blackburn South is only slightly better, at 7.8 per cent, which is still a two per cent rise since 2013. As I have said, these are the highest rates I have ever seen in my time in this parliament.
It is quite obvious that over the course of the first year of the Abbott government and coming off the back of four years of a state Liberal government, which cut services and funding to health and hospital jobs in these suburbs, these suburbs have taken a battering. In all these suburbs, workers are predominately professionals, clerical and administrative workers, managers and technicians, and they predominantly work in school education, tertiary education, scientific research and our hospitals. These are areas which are extremely sensitive to government cuts. They are areas which have both been subject to savage cuts and funding uncertainty at the hands of the former Liberal government and a horrendous, unfair budget produced by the worst Treasurer in Australia's history.

In government, the Baillieu-Napthine government cut $826 million from Victorian hospitals and, in the Treasurer's horror budget, those opposite have cut a further $277 million from our hospitals. In my electorate there are two of the largest hospitals in Victoria—indeed, in Australia—Monash Medical Centre at Clayton and Box Hill Hospital in Box Hill. Both have undergone major refurbishments and rebuilds in the last few, and I want to thank all levels of government for supporting those. But what we have seen, even though we have now got substantially larger hospitals servicing large demographics—not just my electorate but huge catchment areas are coming into them; indeed, people from interstate travel to these hospitals—is massive job cuts. So whilst I have got a state-of-the-art hospital in Box Hill, there are actually floors of wards of beds that are currently empty. It is a Yes Minister experience because they cannot staff them. They are not open. They look beautiful, but they are not open.

These cuts not only dramatically disadvantage patients, they are also putting people out of work. These are people with mortgages, people with bills to pay and children to educate. My electorate is a very expensive place to live. You do not buy a house for under $1 million in my electorate. These people are relying on hefty salaries and amounts of money just to survive, day-in day-out. The Victorian Liberals cut $600 million from Victoria's schools. They cut $300 million from TAFE, and the Abbott government has ripped away all the funding from years 5 and 6 of the Gonski reforms, denying $7 billion to schools across the country, having a devastating impact upon my electorate, which is home to Box Hill TAFE, a world renowned, leading institution. It has seen jobs lost and cuts to services and reduction in courses. This has an absolute ripple effect, not only to those people in the jobs but to the ability to educate future generations. Again, in my electorate, Deakin University and Monash University have enormous amounts of students and enormous amounts of staff and one of the largest CSIRO premises, in Clayton in my electorate, where we have seen massive job losses. Not only have people lost their jobs but, again, skills and training for the future are gone.

These decisions are harming our schools. They are harming our hospitals. They are killing jobs and they are destroying our future prospects. I am deeply concerned that this government has no plan to stem the losses. Indeed, we saw that one of issues that turfed the Baillieu-Napthine Liberal government out of Victoria was that there was no plan for jobs and no plan for job creation. What happens when the car industry shuts down in Victoria? There is nothing on the horizon, and we will see from the next budget more unfair cuts, less money invested in critical services and more jobs losses in my electorate and other communities.
In this adjournment this evening, I would like to welcome the environment minister's announcement this week that there will be zero capital disposal anywhere in the entire Great Barrier Reef Marine Park. The ban will be put into law through regulation and will apply to all applications for capital dredge disposal in the marine park, whether past, present or future. The Greens and Labor pretend that they are the only ones that care about the reef. But, of course, we know that is very wrong.

Coming into government, we inherited five major proposals from Labor to dispose of dredge spoil in the marine park. We have reduced that to zero and are now putting that ban into law. This step forward is just one part of a much wider suite of measures that we have put in place to give greater legal protection to the reef than any government before us. We will not let it be listed as in danger when UNESCO meets in May. People can make comment on the new dredge ban until 27 March. They need to visit the Great Barrier Reef Marine Park Authority's website for the details.

This is reinforcing a view that I have had for a long time on proposed dredging of the port of Cairns. It is absolutely critical that we look for a land based solution. I have certainly argued on that for a long time. I have been working on this since I was responsible for Geoscience Australia some years ago, when I convened a meeting back in May 1999 at Edmonton in a suburb south of Cairns. At the time, I released a ground-breaking report by CSIRO researchers on the acid sulphate soil crisis in East Trinity, a result of cultivation of the salt pans there in the 1960s when it was being prepared in an attempt to grow sugar cane. In a media release at the time, I said: 'The report on East Trinity reads like an absolute horror story. Every day that passes is another day when the equivalent of up to 14,300 litres of sulphuric acid pours unchecked into our Cairns inlet.'

By using dredge spoil on the 365-hectare East Trinity site, it will deliver multiple economic, social and environmental dividends. Firstly, it will stop dredging, whether it be maintenance dredging or capital dredging, from dropping into the barrier reef lagoon. Secondly, by putting it on a land base, it will contain the existing acid sulphate contamination, which is, as I say, leaking into the East Trinity site and into the barrier reef lagoon. Thirdly, it will also provide an opportunity for residential growth in the East Trinity site for some 25,000 people, and it will certainly take significant pressure off the hill slopes as we look to grow our fair city. Fourthly, it will go a long way to preventing the ribbon development which is extending to the south past Gordonvale and, in doing so, will help to protect prime agricultural land. Fifthly, it will also contain the city's footprint and, in doing so, will reduce the cost of providing infrastructure and services to the community, and it will certainly revitalise our CBD area. If it were not for the dredging activities, though, and these are important, large areas of Cairns, such of Portsmith and the airport, would not be in existence, because a lot of that was created through dredge spoil.

I welcome the support of people like Norm Whitney and Peter Senior who have really done a good job in highlighting this. Norm, in particular, has a very comprehensive knowledge of the area, in his role as the president of the East Trinity Ratepayers and Residents Association. Last December, in a letter to the editor of the Cairns Post, Norm again mentioned the economic potential of a residential development and highlighted what was happening at East Trinity at the moment when he said: 'Much of the property is now overgrown with weeds and
overrun by feral pigs, crocodiles and vermin, with a large area of dead melaleuca trees.' These dead melaleuca trees were done in an attempt by a local environmental group to create an artificial wetland and, by allowing the saltwater inundation into the area, destroyed beautiful groves of melaleucas. The reality is that we can have a healthy environment and a very strong economy. The science is there. We need to have a deeper harbour and all the benefits there without making any impact on our reef.

The DEPUTY SPEAKER (Hon. BC Scott): Order! It being 8 pm, the debate is interrupted. The House stands adjourned until 9 am tomorrow morning.

House adjourned at 20:00

NOTICES

The following notices were given:

Mr Pyne: to present a Bill for an Act to amend the Fair Work (Registered Organisations) Act 2009, and for related purposes.

Mr Keenan: to present a Bill for an Act to amend various Acts relating to the criminal law and law enforcement, and for other purposes.

Mr McCormack: to present a Bill for an Act to amend the law relating to superannuation, and for related purposes.

Ms Owens: to move:

That this House:

(1) acknowledges that:

(a) there is a significant, ongoing and growing need for the provision of emergency relief to support vulnerable Australians;

(b) local organisations such as Holroyd Community Aid (HCA) play a critical role in the delivery of emergency relief services, with HCA having done so for nearly 50 years; and

(c) volunteers are a crucial and valued part in this;

(2) condemns the Government for:

(a) increasing the demand for emergency relief services while cutting funding to organisations such as HCA; and

(b) the lack of certainty that has been created for the community, volunteers, staff and those in need by the way decisions have been made and implemented; and

(3) calls on the Government to restore funding to HCA.

Ms Owens: to move:

That this House:

(1) notes that:

(a) in North Parramatta there is a phenomenal colonial heritage precinct that rivals any in Australia by far; and

(b) this precinct houses:

(i) Australia's first female convict factory;

(ii) the Parramatta Girls Home; and

(iii) a number of rare buildings from Australia's colonial history in the 1700s;
(2) condemns the New South Wales Government for:
   (a) its plans to overdevelop the site with buildings of between 6 and 30 storeys high against the base of some of our most significant convict heritage buildings;
   (b) selling off large plots of public land to build these large developments; and
   (c) a complete lack of planning on how it will refurbish the heritage buildings, despite the rapid development around them; and
(3) calls on the Government to:
   (a) pause this land grab and consult further with the community; and
   (b) develop a real plan on how the heritage of the site will be preserved.
Wednesday, 18 March 2015

The DEPUTY SPEAKER (Mr Randall): took the chair at 09:30.

CONSTITUENCY STATEMENTS

Richmond Electorate: Schools

Mrs ELLIOT (Richmond) (09:31): I rise today to speak on two great education initiatives that have happened recently in Pottsville in my electorate of Richmond. Last week I had the great privilege of participating in the official opening of the St Ambrose Catholic Primary School. This fantastic $6.5 million facility included more than $2.9 million in federal funding for the construction of the school. It was wonderful that the school opening was attended by the Bishop of Lismore, the Most Reverend Geoffrey Jarrett. I would also especially like to acknowledge the school's principal, Brian Laybutt, and also the local community for their collective vision and enthusiasm in establishing this great school, St Ambrose Catholic Primary School in Pottsville. We know that this project has overwhelming support, as demonstrated by the strong enrolment figures of 143 children in just its few short opening months.

As the local member, I am always fighting to make sure our community gets its fair share from Canberra. I am very proud to work with locals in delivering important funding for initiatives such as this fantastic new school. This funding will help maintain and improve the educational opportunities for primary school children in the Pottsville and wider communities.

Also in terms of educational needs, the Pottsville community has been calling out for a local high school for many years, as their population continues to grow. Pottsville Beach Public School has had increasing enrolments for many years. It had fewer than 500 students in 2008 and more than 700 by 2013. Also, the nearest state secondary school is Kingscliff High School, leaving some students from the areas around Pottsville travelling by bus for hours each day. That is why it was fantastic last week to have the shadow minister for the North Coast, Walter Secord, and our Labor candidate for Tweed, Ron Goodman, make a major education announcement at Pottsville. They announced that a Foley Labor government will set aside $40 million to plan and build a new high school at Pottsville. They announced that a Foley Labor government will set aside $40 million to plan and build a new high school at Pottsville. They announced that a Foley Labor government will set aside $40 million to plan and build a new high school at Pottsville. They announced that a Foley Labor government will set aside $40 million to plan and build a new high school at Pottsville. They announced that a Foley Labor government will set aside $40 million to plan and build a new high school at Pottsville. They announced that a Foley Labor government will set aside $40 million to plan and build a new high school at Pottsville. They announced that a Foley Labor government will set aside $40 million to plan and build a new high school at Pottsville. They announced that a Foley Labor government will set aside $40 million to plan and build a new high school at Pottsville. They announced that a Foley Labor government will set aside $40 million to plan and build a new high school at Pottsville. Pottsville and the surrounding community have been fighting for years to get a local high school to cater for the growing number of students, and Labor's Pottsville High School plan is fully funded and will be delivered without privatising electricity. Make no mistake about it: this is a huge community victory. I want to congratulate all those community members who have worked so hard for so many years fighting for this high school. They have arranged petitions, market stalls and so many meetings. And now Labor has listened and delivered. It was a great day being able to announce this funding.

In the past we had the National Party ignoring the community. When Labor made this announcement, the local state member's only response was that he was opposed to the high school—he said that it was not needed. This is quite frankly insulting. It shows just how out of touch the local National Party member, Geoff Provest, is with local parents in Pottsville and the Tweed Coast area. More importantly, it shows yet again why the Nationals cannot be trusted. It is only Labor that will deliver a high school for Pottsville to make sure our local kids get the education they deserve.
It was such an exciting day when Labor announced this initiative. This community has been crying out for years for a high school. They have quite frankly been ignored by the local National Party member, Geoff Provest. But Labor has listened and Labor has made a strong commitment to a high school at Pottsville.

Petition: Child, Early and Forced Marriage

Ms MARINO (Forrest—Government Whip) (09:34): I rise to present a petition on behalf of Samantha Goerling and the Bunbury Cathedral Grammar school community.

The petition read as follows—

To the Honourable The Speaker and Members of the House of Representatives

This petition of members of the Bunbury Cathedral Grammar School community

Draws to the attention of the House child marriage. Child marriage is a human rights violation that robs girls of their right to health, to live in security, and to choose if, when and whom to marry. It is one of the barriers which prevent girls from getting an education and as a consequence stunts communities and even entire nations.

We therefore ask the House to:

• Work with the international community to take all possible steps to end the practice of child marriage within a generation, by 2030
• Use its position on the international stage to encourage global policy responses that recognise
  a. The relationship between marriage and other rights
  b. The need to address harmful practices in communities, and the increased threat of early marriage in humanitarian and fragile contexts.

from 153 citizens

Petition received.

Ms MARINO: This petition draws to the attention of the House the issue around child marriage. All sides of politics in this place oppose child marriage. At a recent Girl Summit of 2014 held in London, Australia signed the Charter on Ending Female Genital Mutilation and Child, Early and Forced Marriage. Of course, we all believe that these practices violate human rights. Child, early and forced marriages impede the victims from achieving their economic and social potential and deny them proper access to legal and health services. They also rob children of their childhood. This is a crime against the most vulnerable of young people.

Earlier this month the Australian government announced $480,000 in grants for organisations working to increase the Australian community's awareness of forced marriage, and to provide free individualised legal services by email and text message to people who are at risk. Our domestic legislation recognises forced marriage as a serious form of exploitation akin to slavery-like practices. It is a crime against children. It is an insidious crime.

Gender equality and the empowerment of women are priorities of Australia's aid program. Australia provided $15 million of voluntary core funding to the United Nations Population Fund and $34.1 million to UNICEF. Both agencies play a critical role in drawing international attention to reproductive health and gender equality issues. Australia will continue to advocate at the international level on these issues at UN forums including the UN General Assembly, the UN Human Rights Council and the Commission on the Status of Women.
The government launched the forced marriage community pack, which will be translated into a number of languages, to help educate people within Australia that forced marriages will not be tolerated in this country. It is a significant crime, and everybody in our community needs to understand this.

Australian girls have been sent overseas by their families to be married and girls from other countries have been brought into this country to be married. A survey in 2013 identified 250 self-reported underage marriages in Australia between 2011 and 2013—and they are just the reported figures. Minister Keenan and Minister Cash understand that this could well be just the tip of the iceberg. I congratulate Samantha Goerling and those young people at Bunbury Cathedral Grammar School who, like all of us in this place, see this as a crime.

Newcastle Electorate: Law on the Beach

Ms CLAYDON (Newcastle) (09:37): I rise today to pay tribute to the University of Newcastle Legal Centre and their innovative program, Law on the Beach. Law on the Beach is a free legal advice clinic staffed by undergraduate law students, juris doctor law students and lawyers from the University of Newcastle Legal Centre. Now in their twelfth year, these clinics, while open to all members of the Newcastle community, are particularly focused on young people and those members of our community who are disadvantaged in their dealings with the legal system and who would not otherwise be able to afford private legal services.

Operating from the meeting room of the Newcastle Surf Life Saving Club on Newcastle Beach, Law on the Beach is an ideal opportunity for students to put their legal knowledge into practice. For students, the experiential learning process involves interviewing clients without a lawyer being present, taking their instructions and analysing their legal problems. The students then meet with the legal centre's solicitor and, after this conference, the solicitor and students return to the client to provide advice and assistance regarding their individual legal issue. The casual beach setting puts clients at ease and, at the same time, provides a comfortable environment for students to acquire the techniques of client interviewing and real-life problem-solving.

This year the service expanded to include social work students, broadening the scope of support and information offered to the community. The inclusion of social work students in the beach clinics also provided opportunities for deep, interdisciplinary learning between law and social work students. This summer, Law on the Beach assisted more than 110 clients, covering a wide variety of legal matters including family law, debt and credit, criminal law, employment disputes and tenancy cases. I congratulate and thank the students, the solicitors and the social workers for providing this vital community service. I also thank the Newcastle Surf Life Saving Club for their ongoing support.

In the current climate of savage cuts to community legal centres, Law on the Beach clinics provide a very welcome opportunity for young people and those most vulnerable in our community to access free legal advice. Contrary to claims from the Abbott Liberal government that the funding cuts would have no impact on front-line legal services, there is now plenty of evidence to demonstrate that this is not the case, with victims of family violence and Indigenous Australians now bearing the brunt of these cuts. Indeed, all seven state and territory attorneys-general have now called on the federal Attorney-General, George Brandis, to reverse existing cuts made to legal services and to guarantee no further funding reductions will be made to legal aid commissions, community legal centres and Aboriginal
legal services. Cutting funding to legal services which help vulnerable members of our community is short-sighted and ill-conceived. We can, and must, do better.

I thank the University of Newcastle law school for leading by example with its flagship Law on the Beach clinic, and I look forward to attending the beach clinics again next year.

**Sheep Industry**

**Mr BRUCE SCOTT** (Maranoa—Deputy Speaker) (09:40): I rise today to highlight the importance of the sheep meat and the sheep wool industry in my electorate—in fact, across rural Australia, being one of the most significant industries this nation has ever had. It is a continuing industry and a renewable industry. The sheep wool industry has been the backbone of rural Australia and its economy. In fact, it is true to say that in the early days of European settlement Australia rode on the sheep's back.

With changed economic circumstances and many producers wanting to diversify their economies, we have seen a decline of the sheep industry. It is not just the diversification; west of my electorate, wild dogs or dingoes mixing with domestic dogs have really brought the industry to its knees. Since the early 1990s there has been a slow reduction of up to 80 per cent of the population of sheep in Central Western Queensland in my electorate. In that area of my electorate it has been estimated that wild dogs cost producers something like $11 million in lost production every year. That is a very, very conservative estimate. I would put it higher, but that is one of the figures that a committee has identified. If a multiplier effect is used, that is a $50 million loss of money that would normally circulate through communities and towns due to jobs that the sheep meat and wool industry generates.

I have had discussions with producers and with a committee working on this issue to look at how a strategy can be put in place for producers to go back into the sheep industry for all the right reasons. What is holding them back now is the continual incursion of wild dogs into Central Western Queensland, a premium area for sheep wool and sheep meat. Without an investment—what they would like to see is a check fence—we will not see many producers going back into sheep.

With the government producing an agricultural white paper and with there being a desire to develop Northern Australia, I want to see a strategy for pastoral Australia that will enable those areas to regain the capacity to produce wool and sheepmeat. It will require investment in a check fence—or a dingo barrier fence, as we have known them in the past—in Central Western Queensland. The committee have put together a good proposition, and they do need money for that. It is about developing and sustaining rural communities where there are towns, people, schools, police—whole communities. Without this, I fear there will be a continual decline in the population of many rural country towns in the west of my electorate. I am working on it. I believe in the check fence. I am going to do all that I can to get an investment, supported by government at state and federal levels, so that we will see a check fence become a reality.

**Science and Research**

**Mr BANDT** (Melbourne) (09:43): I am sick of science and research being treated as a plaything by politicians. I am outraged that, every time the budget gets tight, governments see science and research funds as a honey pot to dip into. Along with many scientists, in Melbourne we cannot believe that funding for national collaborative research infrastructure
could be used as a short-term, grubby political plaything and a tactical manoeuvre, when it should be part of a long-term, secure funding cycle. My electorate of Melbourne does some amazing research. In Melbourne, in conjunction with other areas, we are on the verge of developing devices that would deliver pain relief bionically. We are on the verge of developing the bionic eye. There are printable solar cells being developed as a result of partnerships with scientists and universities in my electorate. You may not know this; Mr Deputy Speaker, but since 2009, Australia makes every year exporting health and medical research related products than we do from exporting cars. And that is certainly going to continue to be the case in the future as the car makers pull out.

In that context, we saw the previous government threaten $300 million of cuts to health and medical research and extend increase funding by only a year. Then under this government, we have seen no minister for science—which has been finally remedied. We have seen cuts to research funding through universities of about 20 per cent. We have seen over $110 million taken out of CSIRO. We have seen a project that is now underway being driven by the education minister and the industry minister, saying, 'Maybe some areas of research funding, like astronomy, do not make quite as much money as others so we should be redirecting funding away from those and to others.'

Now, as I alluded to before, we see that the education minister, Christopher Pyne, had the gall to say, 'I am going to take an unrelated piece of funding for 1,700 scientists and the infrastructure facilities that they rely on, and I am going to hold a gun to their heads and say, "That will not be passed unless you pass an unrelated piece of legislation for the university fees." That is exactly the same as saying, 'I am not going to fund schools unless you pass the GP fee.' The two were completely unrelated and yet our government had no qualms whatsoever about holding a gun to the heads of scientists.

Our trading partners know that investing in science and research is essential in the 21st century. They are going upwards of three to four per cent of their GDP. Under this government, we are going to spend the lowest we have ever spent on science and research since they started keeping records. Do not be surprised if you see a geek uprising at this coming election as this government and its antiscience agenda is held to account.

**Dobell Electorate: Green Army**

*Mrs McNAMARA* (Dobell) (09:46): On Friday 6 March, I attended Dobell’s first ever Green Army graduation ceremony. Over the past 12 months, I have been fortunate to support Green Army projects at Kanwal, The Entrance North, Noraville and the Central Coast Wetlands. These projects are providing locals to aged 17 to 24 years with the opportunity to obtain training and experience in the environmental and conservational fields. I have enjoyed the opportunity to join with the participants on site and witness firsthand how this program is delivering positive environmental benefits across Dobell.

I have also been working closely with the service providers to ensure that participants are receiving the best possible training and experience. I am pleased to report that two of these projects have now concluded. The Entrance North Dunes and the Tuggerah Lakes Foreshore projects stage 1 have delivered dune rehabilitation at Karagi Reserve and weed control at the northern end of Terilbah Reserve. The West Tuggerah Lakes Landcare Support project stage 1 has rehabilitated sections of the foreshore along the western side of the Tuggerah Lakes estuary by assisting and extending work undertaken by local Landcare groups.
I congratulate each of the graduating participants from these projects: Sevie Crayn, Sean Brennan, Sally McCrohon, Pascale Loria, Nick Portelli, Joshua Mulvey, Joshua Hopkins, James Gundry, Darcy Cosgrove, Nik Aleksieski, Alexandra Broadbere, Deanna McCabe, Matthew Plummer, Lauren Hawthorn, Paul Hanning and Joel Mannix. I would also like to congratulate and thank supervisors Kat Griffin and Rohanna Teiwesen, and Leonie Winner, the Regional Manager of Conservation Volunteer Australia.

It was evident at the graduation how important the experience of the Green Army has been for the participants. James Gundry said he enjoyed how team members worked together and how the training was of a high quality that complemented the practical work. Sally McCrohon enjoyed the diversity of the work and the support from Conservation Volunteers Australia. Sally also said that she felt her contribution was greatly valued. Nick Portelli said that the training was great, the supervisor was confident and that the team enjoyed great dynamics and worked well together.

The Green Army has also led to employment opportunities for local participants. Sevie Crayn and James Gundry, participants at The Entrance North, have been offered jobs with TENT.E.C.L.E. Bush Regeneration, a local environmental organisation based at Norah Head.

Many of the participants have expressed their interest in exploring a career in conservation management now that they have completed their time with the Green Army. The Green Army in Dobell highlights the program's success in generating real environmental and conservational benefits for the community, and in helping participants gain valuable practical experience and training to assist them further with their training and to improve their career prospects. I look forward to continuing to support the local Green Army projects and to providing the opportunity for young people from the Central Coast to participate in this great program. (Time expired)

Indigenous Affairs

Ms O'NEIL (Hotham) (09:49): We often hear statements in this House in thunderous and outraged tones, but today I rise to talk about something that to me is very sad and very serious. During his time as opposition leader, our now Prime Minister spoke of a transformative journey that he had gone on in Aboriginal affairs. When he came to office he promised Australians that he would be the Prime Minister for Aboriginal affairs—Australia's first. But in the job of Australian Prime Minister it is actions not words that define the man, and in this commitment I believe the Prime Minister so far is a sad failure to Aboriginal people and to all Australians.

In the closing the gap statement that we heard earlier this year, we learned that we are going backwards in many of the measures against which we assess progress on Indigenous affairs. Front-line Aboriginal services have been defunded in this last budget by around half a billion dollars. We also know that Indigenous Australians will be penalised more in general changes that the government is trying to make. For example, the Prime Minister has tried to raise the pension age to the age of 70 when the life expectancy of an Indigenous man is 69 years. GP taxes, Indigenous health experts believe, will deter Indigenous Australians from going to the doctor, in particular for preventive health reasons.

Last week, the Prime Minister claimed that Indigenous people living in remote communities were making a 'lifestyle choice' that placed a burden on other taxpayers. I lived
for almost a year in remote Northern Australia and I worked in a remote Indigenous community. I am not an expert in these matters but I learned enough from that experience to know that this is an extraordinarily insensitive and ill-informed comment. The Prime Minister has visited these communities himself and he should know better.

I want to ask: is it beyond the imagination of our Prime Minister that someone may not face the same values and choices that he does in deciding where to live? Is it beyond his imagination to think that land might hold a different meaning for others than it does for him? This problem, this massive chasm in health, education and income levels of Indigenous and non-Indigenous Australians, does not need more uninformed statements like this one. I say to the Prime Minister: visiting Arnhem Land for a week a year should be applauded—I genuinely believe that—but you are meant to be using these visits as learning opportunities and, based on what we see in your actions, it looks like you are learning very little.

There is the promise of a referendum that will recognise Australia's First People in our Constitution, and the Prime Minister has said he will 'sweat blood' on this. This is a chance for redemption. We have 18 months to make the case on this to the Australian people, but the Prime Minister must begin that conversation now. If the Prime Minister wants to be remembered for anything positive in this portfolio then a referendum is his chance, and I hope he takes it.

Higgins Electorate: Higgins Stonnington Anzac Centenary March

Ms O'DWYER (Higgins—Parliamentary Secretary to the Treasurer) (09:52): I am pleased to inform the chamber that on Sunday, 19 April, together with the City of Stonnington, I will be holding the Higgins Stonnington Anzac Centenary March. The march, and following ecumenical service, will be the centrepiece event for the Higgins community to mark the Anzac Centenary. This will be a chance for our local schools, RSLs, former servicemen and servicewomen, sporting and community groups, those of different faiths, and members of the wider public to come together to honour those who served in World War I. The march will proceed along High Street in Malvern. Starting at 11 am at Malvern Gardens and ending at the cricket oval behind Malvern Town Hall with an ecumenical service at 12:30 pm.

I will be pleased to welcome his Excellency the Hon. Alex Chernov AC QC, the Governor of Victoria and Major General David McLachlan AO Rtd, the State President of the Victorian RSL, together with other guests to the Higgins electorate for this important march. The march will help to honour the Anzac spirit that has helped build our great nation—the spirit of sacrifice, mateship, stoicism and entrepreneurship.

It is appropriate that I take this opportunity to thank the City of Stonnington along with the Higgins electorate Centenary of Anzac Committee, which has been so wonderfully lead by chairman Lieutenant Colonel David Blackwell Rtd who was the inspiration for this march and has been the key manager of the organisation of the Higgins Stonnington Anzac Centenary March.

The committee has met on a monthly basis to make sure we do justice to the great service and sacrifice of our forebears and their families. The committee has included Mrs Adrianne Fleming, Mr Garry Thompson, Mr Robert Millis and the Venerable Dr Brad Billings.
As part of the Anzac Centenary, I will also be producing an Anzac Centenary Higgins memorial map. The map will list many existing First World War memorials in the Higgins electorate, together with new memorials which are being funded through the federal government's Anzac Centenary Local Grants Program. I can now confirm that the grants, totalling over $130,000, will help to fund 24 memorials in the Higgins electorate. The federal government's grants are helping to fund four RSL memorials, including the restoration of the honour board of the former Hawksburn State School, now to be housed at the Prahran RSL; 13 school memorials, including a digital archive of World War I soldiers to be produced by Melbourne High School; and two World War I memorial restorations, in Toorak and at Victoria Gardens in Prahran, which will be officially reopened at the annual Prahran RSL Anzac Day service on Saturday, 18 April.

The map will provide an opportunity for the wider community, especially our younger generations, to learn more about the First World War. I would like to thank Mr Garry Thompson of the Higgins Centenary of Anzac Committee for his hard work in helping to categorise the memorials, along with chairman Lieutenant Colonel David Blackwell RFD Rtd.

Finally, I hope that the Higgins Anzac Centenary march, memorial map and federal-government-funded ANZAC memorials will help us all to reflect on a centenary of service and sacrifice. At this time, I also pay my respects and give thanks to those who are currently serving our nation at home and overseas, while hoping for a more peaceful future.

Corio Electorate: Alcoa

Mr MARLES (Corio) (09:55): A year and a month ago, on 18 February 2014, a very significant economic knock shocked Geelong to its core—a knock that the Abbott Liberal government, more than a year on, has yet to address in any meaningful way. On 18 February, Alcoa ceased operations in Geelong at Point Henry and, as of today, there are 900 fewer jobs in my electorate of Corio. For the families and businesses that were directly affected by the closure and subsequent job losses, I will continue to call on this government to act. The Abbott government's management of this issue continues to be a disgrace. Still not a single cent has been committed by this government to assist Geelong through this event. I again call on the government to act to address the unemployment crisis and to assist former Alcoa workers and their families.

During its 51 years in operation, the Point Henry smelter produced more than 7.3 million tonnes of aluminium, enough to make 93,000 jumbo jets. This was more than just a workplace; it was a place that thousands of families relied on to build their lives and it was one of the key economic pillars of Geelong's private-sector economy. As Geelong continues to transition from the closure of current other businesses that have been pillars of its economy, it is important now to look to the future, and that includes the future of the Point Henry site itself, both the Alcoa site and the surrounding areas.

Point Henry really forms the south head of Corio Bay, with Point Lillias to the north. It is in effect a peninsula that juts out into the middle of the bay. As such, it is a dominant feature of the landscape of Geelong, visible from any point near the water. It has abundant bird life. It provides a base for windsurfers and fishermen alike. The views from Point Henry itself back into Geelong are spectacular.
It has of course been synonymous with the Alcoa smelter for more than half a century. But, with Alcoa gone, this critically important natural asset of the Geelong region needs to be reinvented, and how we reinvent it will have an enormous impact on our economic and cultural future. There are possibilities for development, for parkland, for sanctuaries; these will all need to be balanced. What we do in respect of Point Henry will provide opportunities, in my view, for the whole coastline, from East Geelong to Curlewis, but we have to get it right. Clearly, Alcoa themselves are central to the future of Point Henry, as it is still their site. A respectful dialogue is needed with them. But this should not stop the community from beginning the process and talking about what is next.

So today I am calling on people of Geelong to begin this discussion. In the weeks ahead, I will be convening a forum with key community stakeholders to brainstorm options and I will also be talking to Alcoa and to the new Andrews Labor government. Nothing will replace Alcoa and the organisations that were contracted to Alcoa. More than a year on from the announcement of its closure, Point Henry is a reminder of what Geelong has been for more than 60 years: an integral part of industrialised and modern Australia, and a source of livelihoods and pride for locals.

So I ask the public and the City of Greater Geelong to come and engage with me and others in the community about what they want to see at Point Henry. The Point Henry site has contributed billions of dollars to our economy in its time, and I am sure that, as we look to the future, Point Henry will continue to be a vitally important site for Geelong.

Tasmania: Economy

Mr WHITELEY (Braddon) (09:59): There is no greater contrast between the previous, Labor government and this Liberal-National coalition government than in the economic management of Tasmania. The previous, Labor government was an economic vandal that systematically trashed the Tasmanian economy, while this government is an economic enabler.

The stark contrast between the two governments can be seen in Tasmania's appalling economic figures when the Liberal government came to power in September 2013. Unemployment in my state was 8.3 per cent—about 10.5 per cent in Burnie and 9.8 per cent in Devonport—yet only 5.4 per cent nationally. We had the highest age dependency ratio—that is, the ratio of dependants to the working-age population—of any state or territory, and we had the lowest gross state product per capita in Australia, some 20 per cent below the national average. Under the previous, Labor governments, the cost of sending goods to the mainland and overseas skyrocketed, slamming small, medium and large businesses trying to get their product to market.

It surprised no-one that these indicators were as bad as they were. After six years of federal Labor government and over a decade of state Labor government, the last four of which were in coalition with the Greens, there was little surprise that few in the state saw any real future for themselves or their family. These two Labor governments were economic vandals that systematically sought to shut down industries and even took pride in the number of private sector job losses they facilitated—losses in forestry, mining and tourism. Tasmania was closed for business. Any business that did want to invest was scared off by treasonous Greens-backed antibusiness scare campaigns.
That was the government of economic vandalism, but this Liberal government is a business enabler, an economic enabler that is enabling the Tasmanian economy to grow and create jobs. In the past month alone, the federal government has announced over $260 million in key economic infrastructure, spending that will further enable the Tasmanian economy to grow and to restore hope in the community that there is a bright future in the state of Tasmania.

Before the election, I made a commitment to the people of Braddon that, above all, I would address the Tasmanian freight failings, and that is what I have done. Last week in north-west Tasmania I welcomed the Prime Minister to announce $203 million over four years to expand the Tasmanian Freight Equalisation Scheme to include exports. This policy is an economic enabler assisting export businesses to grow and now compete on a level playing field. I said I would deliver on freight and I have. The Liberal government has also delivered on $60 million of funding for the Tasmanian irrigation scheme strategy, which is an agriculture enabler that will do surprising things in the economy of Tasmania over the next few years. This is a government that enables business, not hinders it; that opens markets, not closes them; and that supports business, not sneers at them.

Griffith Electorate: St Laurence's College

Ms BUTLER (Griffith) (10:02): I rise to tell the parliament about the centenary of one of my local schools, St Laurence's College, fondly known in my electorate by its nickname, 'Lauries'. Lauries is a school of great significance in Queensland history. Obviously, at 100 years old, it has been a feature of our community for a very long time. I want to congratulate Lauries, under the leadership of principal Ian McDonald, a very well-known and respected principal in Queensland, for the way in which they are going about celebrating their centenary as a college this year. I am very much looking forward, with leave, to seeing all of the Lauries people at the reception they are hosting at Queensland Parliament House this Thursday night in celebration of that centenary.

Lauries is a Catholic school for boys in the Archdiocese of Brisbane, which is conducted in the tradition of Edmund Rice. The school accept students from year 5 through to year 12. Because of the central location of the school in South Brisbane in my electorate of Griffith, it is well attended by people from all over the local area, not just from South Brisbane. People travel some distance to go to Lauries because it is such a well-known and well-respected school. It is a big school, with total enrolment nowadays of 1,800 boys.

There have been facilities for boys on that site for a very long time. The first development on the hill where Lauries stands in South Brisbane was a seminary for boys called St Kilian's. That was established by the first Bishop of Brisbane, Dr Quinn. But in 1874 the bishop urged the Christian Brothers to take responsibility for St Kilian's as the first of their schools in Brisbane. They duly did. Brother Hogan, Brother Brennan, Brother Doran, Brother O'Connell and Mr Dean took in 270 boys on the opening day of the school in 1915. The original building is still standing.

Having had such a long history, the school has seen its share of troubled times in Queensland history. For example, during World War II the college was taken over by the army and the school itself was moved to Greenslopes. It is a school with many notable alumni. My friend Cate Hartigan is the daughter of a former judge and social justice advocate, Trevor Hartigan, who was an alumnus of St Laurie's. He was so well respected in our community and much mourned on his death. Other notable alumni include Kerry O'Brien,
John Anderson, Nev Cottrell, Mark Connors, Cooper Cronk—and there are so many more. I congratulate the school. *(Time expired)*

**La Trobe Electorate: Community Awards**

Mr WOOD (La Trobe) (10:05): On Saturday 18 October I had the privilege of hosting the inaugural La Trobe Community Awards. The awards were designed to acknowledge the quiet achievers—the volunteers in my seat of La Trobe. The people nominated for the awards simply amazed me. They were dedicated people in our community, giving countless hours of their time, with many volunteering at more than one organisation. They were a true credit to not only my electorate but all Australians.

The awardees included: Karl Herring, who joined the Narre Warren Scout Group in 2007 and has continued to develop as an outstanding hardworking community leader; Jan Incoll, an active member of the Friends of Sherbrooke Forest for an incredible 20 years, having served on the committee for 12 years; Michelle Jankovic, the director of Helping Hand Is Here, which connects people with disabilities, their carers and families to disability support services in our community; Diane Kueffer, a longstanding member of the Dandenong Ranges branch of the National Trust for 22 years—a group of which she was a founding member; Jenny Mathews, who has become a much loved and vital member of the Upwey Primary School community, doing amazing work there; Heather Maxwell, who started working at Emerald Secondary College in 2011 as a Quicksmart coach and who has continued to support students with low level numeracy skills as a volunteer, having incredible results; Adam MacDonald, a 17-year-old and very dedicated volunteer at the 1st Berwick Scout Group, participating in both the Joey and Cub sections of the scout group on a weekly basis; Vivienne O'Brien, a dedicated leader of Mater Christi College and member of the Year 10 council, in which she has become a great asset as a regular contributor to many leadership and council projects; Colleen Peele, an exceptionally dedicated and enthusiastic member of the Belgrave Heights Christian School community and a passionate advocate for the environment; and Clem Thompson, the leader of the potting centre at Wilson Botanic Park, who spends many hours in the park undertaking roles such as watering, electrical and general maintenance jobs—a true great supporter of the gardens.

Two organisations also received awards. The Narre Warren SES unit, represented by Erin Bradshaw, Tim Howell, Tony Jackson, Bill Knight and Mark Russenaers, which celebrates its 10-year anniversary next year, has responded to over 9,000 requests for assistance from the city of Casey. I congratulate all of these award recipients. The final one was the Olinda Rural Fire Brigade. Fantastic work by all.

**Workplace Relations**

Ms CHESTERS (Bendigo) (10:08): Today, I rise to highlight another example of the exploitation of temporary overseas workers occurring in our country. This one also involves Fair Work Building and Construction and is a case of this government shooting the messenger—the CFMEU. At the end of January 2015, the CFMEU uncovered another example of serious breaches of our immigration and industrial laws pertaining to a group of workers on 457 and 400 subclass temporary work visas. Through raising the issue with the Fair Work Ombudsman, the union and these workers have managed to recover a sum of just under half a million dollars of underpaid wages thus far. The final amount is still to be confirmed. In addition to these workers' pay being deducted for a range of illegal expenses,
such as flights to Australia and up-front taxes that have never been passed on to the Australian Taxation Office. These workers have also lived in undignified conditions, including in shipping containers and up to six people per room.

What is worse is: not only have the CFMEU done the government's work to expose the exploitation of these vulnerable workers working here in Australia, but the CFMEU organisers have now been asked by the Fair Work building commission to show cause: how did they find out this information? The two organisers who uncovered these breaches have now been served with a notice to produce by the Fair Work building commission inspectors regarding their right of entry. This is an absolute disgrace. It is an example of this government shooting the messenger.

The CFMEU have represented their members. They have stood up and said: 'There has been a breach here.' The Fair Work Ombudsman is investigating. Yet, because of their hard work, this government is now saying: 'Show cause—how did you find out this information?'

Is this just another example of this government's blind hatred of unions, or is it something else? What should be noted is that the company involved, which employed these workers at two out of the three sites, is a major supporter of the Liberal Party, donating $400,000 to the Liberal Party, as shown in their most recent AEC disclosures—almost identical to the amount of money that has been recovered by the Fair Work Ombudsman.

This is an absolute disgrace. There is a problem with our visa subclass system in this country. If you come here as a guest worker you should be respected and paid the same rates of pay as Australian workers.

This government needs to act urgently. It needs to stop listening to its party donors and start listening to the people who are doing the work. It needs to make sure that it respects the role of unions and does not prosecute them in this way. I stand with the CFMEU in their call to respect temporary work visas, and I support them in their claim.

### Eucla

Mr WILSON (O'Connor) (10:11): Last week, I visited the most eastern and isolated town in my electorate, the town of Eucla. I was so far east that a few steps further east and I was in the electorate of Grey of my good friend and colleague Rowan Ramsey. Situated at a strategic point on the Eyre Highway, Eucla is the epitome of a remote town. It is situated 700 kilometres from Norseman and 500 kilometres from Ceduna. They do not have a supermarket; their groceries are trucked in from Ceduna and Kalgoorlie. Barely any of their roads are bituminised, and, up until a few weeks ago, the local health clinic was a small bedroom attached to the residence of the local nurse.

My visit to Eucla was for official purposes, opening the new $2.5 million Silver Chain multipurpose health centre. And, while I was honoured to be there representing the Minister for Health, the Hon. Sussan Ley, really the highlight of the trip was meeting the Eucla community members who keep this border town running.

Credit is due to the police officers, the Department of Agriculture border officers and local business owners who service the Eyre Highway, but I think the most deserved praise was directed at two local heroes, Wendy and Ardan McGuinness. The couple have been in the small town for six years, and their hard work is the foundation on which the health centre rests.
As the town’s remote area nurse, Wendy is at the front line of health care in Eucla, and, let me tell you, she has seen it all. In just a 20-minute chat to Wendy, I heard stories of premature labour, septicaemia, multi-organ failure and major cuts involving Wendy sewing up a severed artery because a particular gentleman did not want to leave town. She told the Kalgoorlie Miner: ‘You name it, I’ve had it, from the rarest disease to the garden variety stuff,’ and she is not exaggerating.

Wendy’s husband, Ardan, meanwhile, is usually close by her side in an emergency. Although there is a healthy list of volunteer ambulance drivers signed up in Eucla, most are usually busy with work commitments. Ardan’s daily role taking care of odd jobs around the town means he is usually free to answer the call. It is couples like Wendy and Ardan that keep communities like Eucla functioning, and I can assure you that, if you happen to fall ill along the Nullarbor, you want Wendy McGuinness caring for you.

Along with Wendy and Ardan, the 40-person community includes six police officers, led by officer in charge Dave Snowball; a roadhouse and motel owned and run by the amazing Rasa Patupis; and 10 Department of Agriculture food officers manning the Eucla checkpoint. The border checkpoints are the first line of defence against incursions of unwanted pests, weeds and diseases which could arrive on freight, cargo and other items brought in from interstate. The Eucla checkpoint operates 24 hours a day throughout the year. Thank you to Louise Smith and Nick Jackson and their team for their dedication and commitment to keeping our state free of the biosecurity threats that are common in other parts of Australia.

Domestic Violence

Mr PERRETT (Moreton) (10:14): This morning I attended the launch of the Re-focus smartphone app. This very clever use of technology was developed by the Brisbane Women’s Legal Service—a service that is physically situated in my electorate but provides a vital, often lifesaving, service not only to women in Brisbane, through their advice clinic, where people physically turn up, but also throughout Queensland through their telephone advice line and rural, regional and remote legal advice line. So this app now is a national service for women.

This service is at the front line of the battle against domestic violence, with 62,000 women having been assisted over the 30-year history of the Brisbane Women’s Legal Service. These lawyers truly understand the ugly truth of the depth of this horrible problem. Three thousand-two hundred women are assisted through this service each year. Forty per cent of those women are from rural and regional communities. Thirty per cent of their clients are from non-English speaking backgrounds, with 47 different language groups.

It is often difficult for women to seek help in such situations. They are frightened, they are often ashamed and they do not have a clue what services are out there to help them. The Re-focus app is free. It is very easy to use; in fact, I downloaded it myself this morning—that is how easy it is. As Angela Lynch, the community education lawyer from the Brisbane Women’s Legal Centre said this morning, women fleeing from domestic violence often only have their phone with them when they leave. The app provides women with legal information about domestic violence, arrangements for children, financial and property matters, options for reaching a legal agreement and safe accommodation, and it provides referrals to other services and some resilience and coping tips about separation. And that is the case whether they are in New South Wales, Victoria or Western Australia. It does not matter where they are, this app will provide them with local services.
This app will help many women through the most frightening and difficult time of their lives. It will assist them in finding the help that they desperately need. It is a credit to the Brisbane Women's Legal Service that they have taken the initiative to develop this app. I thank them, the former Attorney-General, Mark Dreyfus, for signing off on the process, and the current government for supporting it.

It is a wonderful use of technology to help a very difficult and, unfortunately, growing problem in our country. This year we have the horrible reality of two women being murdered each week through domestic violence. It is hoped that this app will save lives in the future. When 2,000 calls cannot be answered by the Women's Legal Service advice line each month due to the high demand on the service—and when many women have to be turned away from the legal clinic—any help for these women is welcome. Most of the lawyers at the service are volunteers. In fact, my partner, Lea, and my staffer, Michelle, who is a family law barrister, do pro bono work for the Queensland Women's Legal Service.

Of course, the legal clinic and advice line are also crucial; the app is no replacement for these services. More funding is needed for these services so that they can reach more vulnerable women who need the personal legal service of the clinic or the advice line.

**Operation Slipper**

**Ms GAMBARO** (Brisbane) (10:17): This Saturday personnel from the Australian Defence Force, the Australian Federal Police and representatives from other agencies will march in every state and territory capital city and in Townsville to mark the completion of Operation Slipper. As the federal member for Brisbane, I have a large number of Defence personnel and their families living in my electorate, which borders on Gallipoli Barracks at Enoggera. Gallipoli Barracks is one of Australia's largest military bases and the headquarters of the 7th Combat Brigade. In 2010, elements of the battalion were deployed to Afghanistan as part of Operation Slipper—and I want to pay tribute to them here today.

While the majority of the battalion's force was part of the Force Support Unit based in Tarin Kot, Kandahar and Al Minhad Air Base, elements were also deployed in support of the 6 RAR, 1st Mentoring Task Force combined arms battle group that was deployed to Uruzgan province to conduct counter-insurgency operations.

I am very pleased and proud that the national commemoration to take place this Saturday will recognise these incredible achievements and the sacrifice of more than 34,500 Australian personnel who were deployed as part of Operation Slipper, Australia's longest military operation. Very sadly and tragically, Australia lost some of its finest: Australia lost 41 soldiers during Operation Slipper. The commemoration is a time to remember the families of those who lost loved ones—those who are not here with them today. I want to thank the families and the friends of those personnel deployed as part of Operation Slipper. I want to thank them for their ongoing commitment and support to their loved ones. It was absolutely vital to their success.

I want to recognise the contribution of more than 6,500 personnel from Queensland who served in the Middle East area of operation during this time. It is also right and proper that we recognise hundreds of Australian Federal Police and other agency representatives who served and supported those on the ground. January the 1st 2015 marked the start of Operation Highroad, Australia's new train, advise and assist mission. I will be taking part in the Brisbane parade, commencing at Russell Street, South Brisbane, on Saturday, the 21st at 11 am, and I encourage all Australians to participate wherever they can.

**Formula 1 Australian Grand Prix**

**Mr DANBY** (Melbourne Ports) (10:20): Last weekend my electorate once again experienced the Formula 1 Australian Grand Prix. When I was first elected I gave this event a fair go; I attended. It was like attending a dentists convention—the noise was similar, and it was just as unpleasant. I have made my opposition to the Grand Prix, because of its economic costs, increasingly clear to this parliament and to both Liberal and Labor state governments. For ethical, economic and political reasons, the Victorian government should not re-sign a contract to have the Grand Prix in Albert Park when it comes up in 2020.

My office has received surprisingly strong feedback about this through the years. I once surveyed 60,000 voters and 6,000 wrote back to me indicating their opposition. We did have nearly 70 supporters. Many local institutions—shopping centres in Albert Park, South Melbourne, Port Melbourne, South Yarra—are deserted as locals leave to avoid the noise, the bogans and the traffic chaos.

The Grand Prix is no longer a plus for Victoria, if it ever was. Its old-fashioned sexism, displaying grid girls to be gawked at, and the emphasis of the Formula 1 lifestyle of luxury, champagne and fast cars is as dated as an old cigarette ad about the Peter Stuyvesant jet set. But the main reason that Victorians looking at the Grand Prix on a rational basis should oppose it as I do is the US$37 million cost to the Grand Prix Corporation, to Mr Ecclestone. The on-costs, which amount to $70 million, simply cannot be measured rationally against any benefit that Victoria gets. It is an extravagant waste of taxpayers' money. Residents in our electorate are overwhelmingly sick of the noise and pollution. For two months the 100,000 people in my electorate face this imposition for one weekend of pleasure for a private event. Ecclestone, in my view, does not pass the character test for someone who the state of Victoria should be dealing with. Almost unreported by a sycophantic media, Ecclestone's role in a bribery case in Germany was front-page news there and in the UK. He paid a fine of 60 million euros to avoid being taken to jail like his confederate, the German banker Gribkowsky.

Last year, before the election, the Napthine government locked Victoria into another five-year contract that is due to end in 2020. Unfortunately, there was no possibility of doing anything about this year's race, but I have written to the Premier suggesting that, when the race comes up in 2020, it be rationally evaluated. I do not mind if, on the basis of rational consideration, it is considered, but on that basis I believe the contract should not be renewed.

**Carrathool Bridge**

**Mr McCORMACK** (Riverina—Parliamentary Secretary to the Minister for Finance) (10:23): The good folk in and around Carrathool, population 99, are a patient lot. They live in a shire which has a local government gross regional product per head of population which is
the fourth highest in New South Wales and the 21st largest in Australia. That is according to the Mayor, Councillor Peter Laird, who is unashamedly parochial.

Yet, despite the value that Carrathool brings to the nation—they grow just about everything in Carrathool—the people there have had to contend with an inadequate, outdated bridge spanning the Murrumbidgee River for far too long. They have lobbied for 30 years to have something done about it, to no avail. But, finally, the Carrathool Bridge is being circumvented. You could say, ‘Truss has replaced the truss.’ That is because the Deputy Prime Minister and Minister for Infrastructure and Regional Development, the member for Wide Bay, the Leader of the Nationals, Warren Truss, has found a bucket of money to construct a new bridge.

That funding—$7½ million in fact—will be matched dollar for dollar by his highly-effective counterpart in the Baird-Grant New South Wales Liberals-Nationals government, the hard-working roads minister, Duncan Gay. And the $15 million will build a bridge near the structure that has served the community well since 1924 but that is well past its use-by date. Notwithstanding the support it has provided over many years and its enduring legacy, the old wooden structure, an Allan-type truss road bridge, has had its day. Named after Percy Allan (1861-1930)—the designer of truss and other bridges and a senior engineer in the New South Wales Public Works Department—the Carrathool Bridge is supported on cylindrical iron piers; it is a bascule-type lift-span bridge, which was designed to allow river craft to pass, not that this feature has been used for many years.

Only three bascule lift-span bridges remain in New South Wales, and the Carrathool bridge is the only timber truss road bridge. Because of its uniqueness, its age and, some might even say, its beauty, the Carrathool Bridge is considered to be of high heritage value and has therefore been placed on the register of the National Trust of Australia and the New South Wales State Heritage Register. But this presented problems: the state government was required to dig deep, and to keep doing so, just to maintain it as a working bridge, and council, despite its protestations, was never going to be able to afford to build a new one. As Councillor Peter Laird said in March last year: ‘It's just absolutely ridiculous the amount of money that's been put into this bridge and still it's not serving the community, it's grossly inadequate.’

His council colleague, the indefatigable Margaret Merrylees, persevered. She lobbied local members relentlessly. Duncan Gay thought she would never be able to pull it off, but he said he would match the federal government if she could get me to convince the Deputy Prime Minister to stump up the money. And you can trust Truss, because he has delivered. They are going to get a new bridge at Carrathool that will improve capacity and productivity. Thank you, Warren Truss.

**Bruce Electorate: headspace**

**Mr Griffin** (Bruce) (10:26): I am not sure how I follow that. Last night I, and a number of other members, had the privilege of attending a reception for headspace here in Parliament House. Established in 2006, headspace is a national youth mental health foundation which provides early intervention mental health services to young people aged between 12 and 25. Each year headspace is improving the health and wellbeing of thousands of young people and their families by supporting young people to take control of their lives and get help for the challenges they face. Headspace is designed to make it as easy as possible for a young person
and their family to get the help they need for problems affecting their wellbeing. Centres give young people the assistance they need to get back on their feet, get through tough times and reach their full potential.

Each headspace centre delivers support to young people in four areas—mental health, primary health including sexual health, drug and alcohol support, vocational support. The look and feel of headspace centres are designed to create an environment that young people feel comfortable to access. All services are free, confidential and youth friendly. A range of workers is available at headspace centres, including GPs, psychiatrists, mental health workers, psychologists, social workers, alcohol and other drug workers and vocational workers—all of whom have specific expertise working with young people.

Research shows that 75 per cent of mental health disorders emerge before the age of 25. By treating these issues early and providing a holistic model of support, the risk of young people developing more serious problems, including suicide, is greatly decreased. The success of headspace has been recognised internationally, with the model being replicated in other countries. There is a headspace centre in the Bruce electorate, in Dandenong, which offers help to young people if they are feeling down, stressed or worried or are having difficulty with something in their life. They might need help with a health issue or have concerns about alcohol and drugs; or want to talk about sexual identity or relationships or want to discuss sexual health or want to find out about contraception; or are being bullied hurt or harassed; or need advice about education of finding work; or, perhaps, have worries about a friend or a family member.

Headspace Dandenong provides a range of services, including counselling support and individual development and group programs, as well as GP services. This sort of help has a huge effect on their ability to stay in school, hold down a job and maintain positive interactions with their friends and family. Some 92 per cent of young people using headspace centres reported improvements in their mental health after using headspace. In October the Abbott government, to their credit, announced they would establish an additional 15 headspace centres. Building on Labor's election commitment of $34 million to establish 10 more headspace centres by 2014-15, these 15 additional centres take the total number of centres around the country to 100. It was a great privilege for me to attend the opening of headspace when the then minister, Mark Butler, came to Dandenong. At the launch, I was joined by the then member for La Trobe: Laura Smyth, and the member for Holt, Anthony Byrne. I would like to put on record the excellent work that they did in advocating for that centre at that time. This is a great service and it is great to see it being supported.

Cowan Electorate: Basketball Competition

Mr SIMPKINS (Cowan) (10:29): On 1 April I will conduct my eighth annual mixed basketball competition for year 6 students, known as the Luke Simpkins Basketball Competition. I think it is important to acknowledge that I have received some great support over eight years from a lot of local primary schools in Cowan. I would like to welcome back in 2015 Banksia Grove Catholic Primary School; Mary MacKillop Catholic Community Primary School; East Wanneroo Primary School; and Alinjarra Primary School, who are also the defending champions from 2014 in the cup competition. Ashdale Primary School is back and South Ballajura Primary School is back. I would also welcome a primary school which is new to the competition, Marangaroo Primary School. Koondoola Primary School is also new.
to the competition. Hudson Park Primary School is back. Halidon Primary School is another school new to the competition. Hocking Primary School and St Anthony’s Catholic primary school of Wanneroo are also involved.

It is going to be a great turnout this year. I have always thought well of the way in which these young people conduct themselves. I know they are only year 6s, but the spirit of sportsmanship and the determination that they demonstrate in the competition is just outstanding. It is very encouraging for me to see such good young people coming up through the school systems. One of the things that I tried to achieve when I first started this was to make sure that we had schools from the state sector, the independent sector and the Catholic sector, and that has been achieved pretty much every year. These schools are not normally the schools that would oppose each other or challenge each other. The electorate is only 180 square kilometres, but these schools do not normally come together for a sporting competition.

I would also like to thank Kingsway Christian College for their support as umpires this year, and, in particular, Stefan Rudzitis, Isaac Moore, Yoel Tanoto, Caleb Stevens, Jonny Stevens, Thomas Camer-Pesci, Akim Lual and Francina Muparutsa. They are the umpires for the competition and I greatly appreciate their support; otherwise, it would be very difficult to run the competition. It is a good competition and it is a lot of fun. I always express my sorrow to the students that I take them out of school for the day, but they always seem to appreciate it anyway!

The DEPUTY SPEAKER (Mrs Wicks): In accordance with standing order 193 the time for constituency statements has concluded.

BUSINESS

Rearrangement

Mr RAMSEY (Grey) (10:34): I move:

That business intervening before order of the day No. 11, committee and delegation business, be postponed until a later hour this day.

Question agreed to.

COMMITTEES

Agricultural and Related Industries Committee

Report

Debate resumed on the motion:

That the House take note of the report.

Mr FITZGIBBON (Hunter) (10:33): I am a little bit confused as to why I am speaking before the chairman of a committee, but I take that as a great honour and a privilege and I thank the chamber for the opportunity. In my opening remarks I would like to acknowledge the member for Grey, the chairman of the committee, and the member for Hotham, in her absence in this chamber, the deputy chair of the committee, and all members who put in an extraordinarily large amount of work on this inquiry. It is a very important inquiry and one which, of course, has attracted a little bit more attention than we might otherwise have expected, given recent food safety concerns—particularly the well-publicised China berries incident and the potential link to a hepatitis A outbreak.
We heard from many witnesses who expressed many different views, which again highlights the complexity of this issue. To the consumer it all seems very simple: 'Just tell us simply, in a graphic way if possible, where this food is coming from.' But of course those of us who have had the opportunity and the privileges granted to us in this place know that it is far more complex than that. I think the example was used, throughout the work of the committee, of blueberries being brought into Australia from, say, China and those blueberries being used to manufacture a pie in Australia. In that case it is a good thing for Australian companies to be able to say that pie was, at least in part, manufactured in Australia—because people are looking for an opportunity to back Australian products. But it is complex putting that case into a label. How much was done in Australia? Was it 49 per cent or 51 per cent or whatever? Consumers would have different views, generally, about whether it should be 49, 50, 51 per cent or whatever. That is understandable and justifiable. But trying to put all those complexities into a label—a simple label that gives a one-glance snapshot of what was done locally and what was done somewhere else—is very difficult.

The committee was mindful of the need to ensure that Australian manufacturers—those who are transforming imported fruit, vegetables or whatever into an Australian final-use product—do not have their business prospects undermined by denying them the opportunity to indicate that it is a product made in Australia. This is very difficult. I believe the committee made some very sensible recommendations. I originally intended to read them into the record, but I think that will probably be done by the chairman or someone else, so I will not use my time doing so. But I think the recommendations were sensible and get the balance pretty right. They are not perfect, not by any stretch. We were not able to find the perfect solutions, but we did our very best to put forward something which is better than what is currently in place. Hopefully that will give consumers better guidance about where the product they are consuming is coming from. The complexities of fresh and frozen foods that come through New Zealand from places like China and how we deal with those under FSANZ and within our close economic relationship with China—these are things which make the issues here more complex yet again.

But it is not all about food labelling. We really need to be careful, in responding to the Chinese berries outbreak for example, about responding with a labelling response only. I understand that consumers think this is a labelling issue. It is in part. But the systems we have in place to ensure that the food we are importing from other nation-states meets the same standards we would expect here in Australia are every bit as important—I would say more important—than what we put on labels. Going back to the Chinese berries incident, the goods were clearly marked 'Produce of China'. It was not up there in flashing lights, I admit, but it was pretty clear to anyone who takes a look at labels—and of course not all consumers take a look at labels. I am now looking at them more diligently myself than I was before the Chinese berries incident. But it was clearly marked 'Produce of China'. We have to be careful not to give consumers, the Australian electorate, the impression we can fix this problem with a labelling solution alone. We cannot. We have to do something on labelling, but we also need to ensure that we have the very best biosecurity system in the world. The testing systems, the verification systems, we rely upon to test things like China-produced berries before they come to this country and when they arrive in this country must also be the very best in the world.
That takes me to a subject very close to my heart—the position of the Inspector-General of Biosecurity. The inspector-general is the last cop on the beat. He is the guy who sits in the Department of Agriculture, in biosecurity—which was previously called quarantine—and ensures that all of our systems are working. He is independent of the government and he can decide, based on any source, to initiate an inquiry into any part of the biosecurity process if he has concerns that the system has the potential to break down or is indeed breaking down. As I speak, the government for some reason is bringing on the Biosecurity Bill in the Senate. I do not know why it is rushing it now or why it is suddenly bringing it on now. I think a quorum was just called there as a response to that surprise. But I am calling upon the government again today, and I will be having Labor senators move amendments in the Senate sometime soon, to restore the powers, the independence and tenure of the Inspector-General of Biosecurity. Why would the government undermine this position? It just makes no sense to me. I am appealing to government members to talk to the agriculture minister and say, 'Just fix this thing.'

If this bill passes in its current form, Barnaby Joyce, the Minister for Agriculture, becomes, in effect, the Inspector-General of Biosecurity. Is the broader community going to feel comfortable with that prospect? If there is a breakdown in biosecurity in the department, people are going to rely upon the minister to decide whether we should have an investigation into the breakdown! Any minister would be concerned about an inquiry that might just show that somehow they, as minister, might have failed in some way which caused the breakdown. So you cannot have the minister deciding these things. We need an independent statutory officer looking at these things through the eyes of an independent player, with the power to determine what things are looked at and what are not.

On another issue, we heard revelations today on ABC radio that the government has abolished the National Produce Monitoring System. That is a system the Labor government put in place in cooperation with the states through the COAG process, specifically through the Standing Council on Primary Industries—which the government abolished too. SCoPI has gone. There is no format for the Commonwealth and state ministers to get together on these very important issues anymore. They are very important issues. SCoPI identified gaps. We have all these state based systems looking at chemical residues in our fresh produce. We go to the market gardens on a Sunday and we are buying produce. They are great market gardens. We have the best system in the world. But SCoPI identified gaps, because all states are doing things differently. SCoPI decided that we should spend some money on a pilot project over five years to collect the data we need to determine whether these gaps really matter and whether there is a food safety threat to consumers. So we could rely on the science. We could gather the data and ensure that we have the world's best food safety program. But, a year in, the government has abolished the scheme. The government has abolished the scheme at the very time when Australian consumers are, because of the China berry incident, concerned about food safety and what they are consuming.

Chemicals are important; our farmers must have them. But consumers are entitled to know that the system is not letting them down and the chemical residues in the food they are buying at the market are not so high as to pose a threat to their health and safety. I call upon the government to rethink this very silly idea. Barnaby Joyce, the minister, described it as a savings measure. I would have thought the last place the government would go for a savings
measure is to food safety in this current political environment. This is a mistake. The inspector-general needs to be restored with all of his powers and independence. The government must do something to redress this very bad decision.

Mr CHESTER (Gippsland—Parliamentary Secretary to the Minister for Defence) (10:43):
I seek leave to speak in relation to the report of the Standing Committee on Agriculture and Industry's inquiry into country-of-origin food labelling, *A clearer message for consumers*.

Leave granted.

Mr CHESTER: In seeking leave, I acknowledge that I have spoken previously in relation to the report. But I acknowledge also the contribution by the member for Hunter, and I also congratulate and commend the member for Grey for his outstanding work in chairing this committee.

I acknowledge from the outset that, since the release of this report, the issue has moved quite considerably in the public's eye. I acknowledge that the member for Hunter referred specifically to the issue of the imported berries and whether there has been a link to hepatitis A associated with that importation. He quite correctly indicated that, while that has caught the public's attention and has probably focused activity in relation to country-of-origin labelling, there was nothing in that outbreak and the link to the Australian company involved that would have been fixed, if you like, by country-of-origin labelling, because the berries were actually labelled quite clearly. As I have said in the past, and I say now for the record, the company involved in this issue, Patties Foods, are a fantastic Australian company doing a remarkably good job in a whole range of food manufacturing areas. They have taken their responsibilities very seriously in relation to this matter. They employ 500 people in my electorate of Gippsland and around 650 people around Australia, and I know they are working very diligently with the government to overcome any issues associated with the importation of berries and other products.

I want to speak very briefly, and I appreciate the member for Grey giving me this opportunity, in relation to one particular issue that was covered in the report. It was recommendation 7 where the committee recommended:

… that the Northern Territory's country of origin labelling of seafood in the food service sector be referred to the Council of Australian Governments for consideration

As I said last year on this issue, this is a particularly important issue for the people of Gippsland as well as more particularly for the broader seafood-consuming public. What we have seen in the Northern Territory over the last several years is a regulatory environment where diners in restaurants, in clubs, in bistros and in pubs are fully informed when they purchase seafood. We do not have that luxury in any other state or territory in Australia, and that is a problem for Australian consumers.

My particular interest obviously relates to the fact that I have a large fishing fleet in my electorate of Gippsland that is based in Lakes Entrance, and the Lakes Entrance Fishermen's Co-op, under general manager, Dale Sumner, have been particularly active in this space. They are not anti imports by any stretch of the imagination, but they are pro information. I will quote the general manager, Dale Sumner, in an article from last week in my local newspaper, the *Bairnsdale Advertiser* of 13 March. He said:
I am not against imported seafood—seafood consumption exceeds the ability to produce in Australia—however consumers are being misled on occasions, and in being misled, are expecting to buy Australian or local species, when in some instances it will be an imported option.

Labelling changes is about having the ability, when looking at the menu, to easily make the decision to buy either an imported meal, or they might be able to choose an Australian option. I commend the Standing Committee on Agriculture and Industry for the work it has done in relation to this issue. The committee acknowledged that Australian consumers have a desire for quality Australian seafood, and I would simply say that consumers have a right to know. They have the right to know where their seafood has come from; they deserve to have confidence in a product. If they are choosing to pay a premium for the Australian grown or the Australian harvested wild catch, that is their decision to make as a fully-informed customer. I encourage the states and territories to work with the Commonwealth on this particular recommendation. I think it is the fair thing to do for consumers. The cost to the small business sector is minimal, and we have been fortunate in this case as the Northern Territory experience has actually given us a trial. We have seen it in action and it has been well received.

In closing, I would make one final point. I was at the Metung Hotel on Friday night, and on the board above the menu was a declaration from the Metung Hotel proprietors that all the seafood that was sold on their menu was from either Lakes Entrance or sourced from the Melbourne wholesale seafood markets, and consumers loved it. They loved knowing where their product was coming from.

Mr Fitzgibbon interjecting—
Mr CHESTER: It was good food, and the manager and owner of the Metung Hotel, David Strange, will be happy to—

Mr Fitzgibbon interjecting—

Mr CHESTER: The member for Hunter is incorrigible in encouraging me to talk about other issues relating to the Metung Hotel, one of the finest hotels in Gippsland. It is located on Bancroft Bay. The member for Hunter is most welcome at any stage in his efforts to unseat me in Gippsland. I know I am part of his marginal seat campaign; I am sure he is going to be down there at some stage. I will take great delight in taking the member for Hunter out to the Metung Hotel. He can enjoy the fresh local seafood. We may even consume some Hunter Valley wines.

Mr STEPHEN JONES (Throsby) (10:48): It is my great pleasure to speak in relation to this report: A clearer message for consumers. Before I make some observations about the contents of the report, can I associate myself and Australian Labor with the observations made by the member for Gippsland about the disposition of the company Patties. The member for Hunter and I had the opportunity of a meeting with the chief executive officer and other representatives from Patties, and we know that they are taking their response to the outbreak of hepatitis A, which was thought to be linked to frozen berries imported by their company, very seriously. In many respects, throughout the course of this crisis they were often well ahead of the government in their response to what needed to be done in the interest of public health and safety. On behalf of Australian Labor and the member for Hunter, I associate us with the observations of the member for Gippsland.
The member for Gippsland also made some comments in relation to recommendation 7 of the report and, in the course of that, enticed us to visit a hotel in his electorate. I am sure the hotel is excellent! But the effort to ensure recommendation 7 is implemented—that is the recommendation going to seafood labelling—is probably best directed inside the coalition's own party room, because we know that this is a matter that the National Party took to the last election in good faith and a matter that is very dearly held by National Party members. The only obstacle I can see to that recommendation, the National Party's policy pre the election and having the law changed in relation to that is inside the government's own party room. Yes, it is important that we talk about it in this place, but the focus and the direction of activity ought be by the government itself in delivering what was a National Party promise before the election.

The Standing Committee on Agriculture and Industry's report on country-of-origin food labelling was tabled in October last year. I welcome the fact that the government has reintroduced the matter in the chamber today so that members have the opportunity to talk about it in more detail. Obviously, the issue has been bubbling away for a long time, and the recent outbreak of hepatitis A, as I have mentioned before, has kicked this issue along a bit. But it is important that we take both a logical and a rational approach to the issue of food labelling. It is not just what is on the packet that matters; it is the quality and the safety of the food inside that matters. Sticking a picture of Skippy on the front is not going to secure or guarantee the quality of the food inside. We have to have all the right resources and all the right links in place in the food supply chain to ensure that what we are serving up to our kids at home or what we are eating in a restaurant is of sufficient quality.

Australians are entitled to know that their food is safe. They should also be able to identify where there food is from. A slew of reports, dating back over a decade now, have pointed out the deficiencies in our food-labelling system. If the matter were easy to address, it probably would have been addressed already. There are some obstacles. But I think, as the member for Hunter pointed out, that, with sufficient goodwill and the right level of bipartisanship in the chamber, those obstacles can be cleared, which is in the public interest.

We know that there is keen public attention on food labelling at the moment—an opportunity to move. This is an opportunity to ensure we are putting in place the solutions to the right problems, not the wrong solution to an identified problem. We know that there are 27 people who, it is suspected, contracted hepatitis A from a supply of frozen berries in Australia. I am not convinced, I have to say, that the answer to preventing an outbreak such as this is to put a picture of a kangaroo or not put a picture of a kangaroo on the front of a packet of frozen berries. The berries in question were clearly labelled. The answer to problems such as this lies in the security of the food chain, at heart.

As you know, Madam Deputy Speaker Prentice, the Australian food regulatory system has proper separation between the establishment of the standards for food quality and control, which is regulated by Food Standards Australia New Zealand—they set the policy, they set the standards—and the monitoring and implementation of those standards, which is done by a range of other bodies. Importanty, in the area of imported goods, that is done by the Department of Agriculture's Quarantine and Inspection Service. We have a risk rating for foods—for high-risk foods, 100 per cent of consignments are tested. Those which are classified as surveillance foods—lower-risk foods—have five per cent of the consignment...
tested. What has clearly been the case in the latest outbreak is that testing regime did not work. Apart from the labelling, attention needs to go to the testing regime and whether, in fact, a testing regime can be put in place which is going to be able to give Australian consumers the level of comfort and security they deserve.

It gets back to the point that it is what is inside the box that matters, not just what is on the label. Having appropriate levels of resources, having appropriate standards and being able to test for those standards through the monitoring authority should get at least an equal amount of public attention as have the labelling issues which are the subject of this report.

I am, and I am sure every member of the Labor opposition is, committed to promoting equality and the value of Australian goods. We are big supporters of the Buy Australian campaign and always have been. In that respect, we welcome the thrust of this report, which has at its heart the goal of enabling Australian consumers to identify where their goods are grown, where they are packaged and where the contents of the package come from. That is bipartisan. We have support on that.

I have to make this point: if this report is able to do one thing, it should be to put a focus on what we believe to be a cocktail of inconsistencies from those on the other side. On the one hand we are told that we should be economic nationalists when it comes to the goods we purchase at our supermarket, whether it is our wheat, our wool, our beef or our lamb; and I join with members on the other side, particularly our National Party friends, in saying we have the highest quality lamb and beef, and some of the best primary products, anywhere in the world. But I would also say they should have that same level of patriotism when it comes to the labour market. Regrettably, it is Buy Australia first when it comes to our primary products but not when it comes to our workers—because never have you seen more aggressive promoters of the 457 visa scheme. When it comes to Australian workers, regrettably, it is 'join the queue', and in that queue are a whole heap of people holding temporary working visas under the 457 scheme. We have seen evidence of that most recently in my own region. This is not good enough. If somebody is ready, willing and able to do the job, they should be there and they should be at the front of the queue.

I am willing to promote our quality but also, as the member for Hunter has pointed out recently, to do that we need to ensure we are not undermining the systems which ensure the quality. For the life of me, ripping $25 million out of a pesticide-monitoring service that was recently established to secure the quality of our food does not promote the quality supply chain of Australian-grown produce. It undermines the message of those opposite. It is what is in the packet that matters as much as what is on the front. We will support those opposite in their attempts to get a rational, logical system of food labelling, but our attention should not be drawn away from the importance of the quality of the food inside the package.

Mr RAMSEY (Grey) (10:58): by leave—I have spoken on this issue and this report before and I had received advice that I would be given an opportunity to contribute today. I was very keen to do so because quite a few things have changed since the delivery of the report to the parliament in late October. I will not repeat the things I said on that day, but I would draw attention to some of the things that are in play at the moment.

I am particularly proud of this report because it is a clear, concise and relatively narrow report, and that is its strength. We focus just on country of origin food labelling. The member for Throsby mentioned the number of reports that have been commissioned before. I think
they have been very broad. If we look at perhaps the best known of those, the Blewett report, it covered a wide range of labelling issues and had a very small part on country of origin food labelling. I think this is the first report that has came up with a prescriptive method of describing the goods. Every other report, as far as I am aware, said 'This should be looked into', 'There should be a labelling system' or 'There should be some visual indicators'. We went much further than that.

At its core, the most important thing in the report is that it splits the point of manufacture or the point of processing and the contents. At the moment, that is one of the great failings of the current arrangements—and I have spoken about this before. For instance, we were told that 70 per cent of the ham and bacon bought at the retail level in Australia has made in Australia written on it, but the pork is actually sourced from overseas. That is clearly not enough information for consumers. All it does is tell them where the ham or bacon was manufactured. It does not tell them where the pork came from. That just shows how distorted our current system is and why consumers are so confused and why there is such a need for change.

My committee, of which of course you are a member, Madam Deputy Speaker Landry, approached this in a way so as not to do any harm to Australian processors or Australian food producers, and in a way that was very focused on coming up with a light touch method that will actually give consumers the information they need. I, along with most of my colleagues, are very much in favour of Australia being able to operate in a free trade environment. We have been writing free trade agreements certainly through the Asian market in the last 12 months, so it is important we comply with the WTO rules. It is important that we are able to trade with those nations. But it is equally important that Australian consumers can walk into a supermarket aisle and make a decision about whether to buy Australian food and make a separate decision about whether to support Australian manufacturing—and that might be because they want to support Australian jobs or it might be because they have an inherent trust in the way that we both produce food and manufacture in Australia.

Previous to this debate, the incident of the Chinese berries associated with hepatitis A and the 27 cases in Australia is what has probably brought this to a head. But I point out to the parliament that it is related issue, but, as previous speakers have said, it is not intimately related insomuch as a different labelling system would not have given a different result in that case. That one is a biosecurity issue and that will be addressed separately, and so it should be. We should concentrate on the labelling.

I have been in this parliament now for a little over seven years. I have sat on a number of standing committees and joint committees. The committee system works very well in this parliament. They are largely bipartisan and members leave their partisan baggage at the door and try to come up with the best recommendations they possibly can for the government of the day and the parliament of Australia to try to implement. It would be fair to say that some very good reports have been written in the past and have not always received the support they probably deserve from the government of the day. So I was eagerly looking forward to the response from Minister Macfarlane, as the lead minister on this issue, after we lodged our report in October. I had had a number of conversations with him and with the Minister for Agriculture and the Minister for Small Business, trying to progress the government's response to make sure we got an appropriate response to our report.
I was very pleased with the reception I was getting, and there was a general indication that the government would move in this area. Of course, the Chinese berries issue has given great urgency to it. We are in the position where the Prime Minister, Tony Abbott, is committed to reform. I thank Minister Macfarlane very much, particularly for his approach to our committee, in that he has briefed us twice now on exactly where negotiations are up to on presenting a reform package to the cabinet. He has been very transparent with both sides of the parliament and with the Independent who sits on our committee as well. I thank the minister for that. It is very important that when these recommendations come from cabinet we are in a position where we can expect bipartisanship support—and I am very pleased with the comments by the member for Hunter and the member for Throsby that they are broadly supportive. If we get the recommendation package right, that will be good.

It has to be said there is very little that one can see that is good about the Chinese berries related hepatitis outbreak. But maybe there is a silver lining to every cloud, and this report may be the lining that propels the response of the government of the day to country-of-origin food labelling over the line. If it is the catalyst for that, then at the end of the day it will be seen as the seminal event that got us moving as a parliament and made us respond to what has been a consumer issue for decades.

We did chance our arm in the report and put some descriptors up. I will not go through those, because I did that in my previous speech. Those descriptors are the subject of some negotiation in the working group at the moment. They will not be exactly the same as they are in the report, but broadly they will be very close. We also recommended there be a visual descriptor. We did not chance our arm on coming up with that. But there will be a visual descriptor, and it is highly likely to include the Made in Australia campaign. We have been having some conversations with them about this. As the member for Throsby said, putting a kangaroo on the packet will not make any difference to the product, but that particular logo, if that is where we finally land, does have worldwide respect. There is quite a bit of IP invested in it.

This will be a great result for our local industries. They may not understand how much of a difference it will make, but this last berry contamination will not be the only food issue that we have in the coming years. I must point out that we have had food issues with Australian suppliers too, so we are not perfect and we should be careful. It will put a premium on Australian food not just in Australia but worldwide, because there are other nations that are looking very closely now at their food chain supply lines—at their integrity.

I would like to thank the deputy chair, the member for Hotham; and my committee, the members for Durack, O'Connor, Makin, Hunter, Capricornia, Barker, Indi and Wannon, for their work on this report. It is well overdue. It comes after decades of vacillation. It is the right report at the right time. As I have said to some people, sometimes you are the little sparrow sitting on the fence and a shaft of sunlight comes out and shines on you. It is the case with this report, A clearer message for consumers, that we are the sparrows sitting on the fence. We have the right package at the right time, and I thank the government for its consideration of it.

Mr PASIN (Barker) (11:09): I rise to take note of A clearer message for consumers: report on the inquiry into country of origin labelling for food. Before I do—and not just because he is here in the chamber—I acknowledge the hard work the committee chair, the
member for Grey, put into this report. I think it is fair to say that he attacked this work with all
the industry of a cereal farmer from the west coast of South Australia. Quite frankly, it was a
privilege to be a member of the committee working on this report.

When I came to this place, I was determined to be involved in reform. We give the best of
us when we are undertaking reform. The committee processes, as has been observed by the
member for Grey, can sometimes be cumbersome. They can sometimes be disconnected from
formal outcomes. But in this case—coincidentally, for me, the first report that I have had the
pleasure of working on—we are seeing real change being implemented at what, I think it is
fair to say, is breakneck speed.

Some of that is appropriately acknowledged as a response to the issues that have arisen as a
result of what others have referred to as the 'berries case'. But, equally, some of this reform
and the need to take this reform is a product of the situation that consumers find themselves
in. Sitting and listening to the evidence that was provided from consumer groups, from
consumers themselves and from departmental officials, I had an immediate flashback to
episodes of Yes, Minister. I remember saying to some of those giving evidence, 'I hear what
you're saying. Thankfully, five years of legal training and a career in the law enables me to
understand what you're saying; but what you don't understand, with respect, is the consumer
doesn't understand what you are saying, nor the architecture that sits around the current
country-of-origin labelling laws that we have in this country.'

If you were to distill the work we did in this report to one fundamental tenet, it is this: the
average consumer of average intelligence entering the average supermarket on an average day
needs to be able to quickly determine the country of origin from which the product they seek
to purchase hails. It is a fairly basic principle. In my view, the importance of it is significant
and it can be measured in this way. I believe the Australian consumer is motivated to support
Australian industry. Given that I represent a rural constituency, I believe they are motivated to
support Australian producers. But they can only do that if they do it in an informed setting, in
an informed matrix. In my view, they are prepared to pay a premium—in some cases it might
be a modest premium; in others it might be a significant premium—for that decision to
support Australian processors and growers.

But what we have currently—and it should be noted that this is report No. 13 over the
course of 12 years on this very same subject—is an architecture which does anything but
inform the average consumer of average intelligence. Indeed, I consistently made the point
during the hearings that in my view the system is currently being gamed—not to inform
consumers, but quite frankly, to hoodwink them. We see that in some of the visual
presentations you see on goods that are for sale. Having determined that the fundamental
driver of the work we were doing was to ensure a more informed consumer, then the question
became: are the current safe harbours appropriate? The committee came to a fairly quick view
that they are not; and they are not in the sense that they do not purvey to the consumer an
accurate assessment.

I thought, although it did not win the day, that we needed to move away from labels that
differentiated between 'product of' and 'made in', because I think that creates its own
confusion. In any event, we needed to be more prescriptive about country-of-origin labelling,
and that is in recommendation 1, which has been taken up, as you have heard, Madam Deputy
Speaker Landry, by the minister for industry.
The member for Throsby indicated that this will not solve problems with food safety. No-one is proposing that it will. If there were a silver bullet for this issue, we would have fired it a long time ago—and, when I say ‘we’, I mean this parliament and I do not mean it in any partisan sense. Either side of politics, if they had found that silver bullet, would have fired it a long time ago. But there is no such silver bullet. To be fair, this was a report about country-of-origin labelling and a clearer message, so it needs to be understood in that context. I appreciate that this debate has been carried forward by the berries issue, but, to be fair to the work of the committee, the scope of our investigation was narrowed to that question of giving a clearer message to consumers. To that extent, I agree with the member for Throsby that we need to do all we can to ensure that the food we consume in Australia is safe. I think it was the member for Mallee who indicated to me recently that it is not a question of ensuring all food is safe but, rather, that it is as safe as practicable. I may well be verballing him, but that was effectively the content of our discussion.

In the time I have remaining in this debate, I want to address the other recommendations briefly. On this question of an informed consumer I think it is critical that, in line with recommendation 3, we increase the scrutiny of products that use ‘misleading Australian symbols, icons and imagery’. This is the gaming I talked about previously. It is of little benefit, in my view—indeed, it is counterproductive—for products that are grown in or made in other countries and imported to this country to be accompanied by very large iconic Australian images, such as koalas, gums and those sorts of things.

The introduction of a visual descriptor is very important, and that is recommendation 4. I think increasing the consumer’s ability to grab a packet of food, identify a common visual descriptor and make a quick assessment is the best, easiest and most efficient way to allow that decision to be made, as it needs to be—and it is certainly the case in my household—when you are juggling the responsibilities of having children and incredibly time poor, as we all are.

The other recommendation that I wanted to deal with is recommendation 7, on the Northern Territory’s country-of-origin labelling of seafood. It came as a shock to me, as it did to many members of the committee, that 70 per cent of the seafood we consume in restaurant settings in this country is imported. I think the confusion is because we ordinarily think protein, such as lamb and beef, will be Australian, because for economic reasons it generally is. That is not the case with seafood, particularly not with the seafood we consume in restaurants. So it was very important that the committee recommended that the Northern Territory’s regime, which requires restauranteurs to include details of where the fish were sourced from, be considered by COAG. I do think it needs to be considered. It was certainly a bridge too far for the committee, in the work we did, to implement that. As someone who has world-leading aquaculture and fishing in his electorate I can see the benefits, and as an Australian consumer, quite frankly, I would like to know. Thank you.

Mr BROAD (Mallee) (11:19): Madam Deputy Speaker Landry, it is good to be able to give this speech before someone who I know is also passionate about producing good pineapples and other good food in her electorate. I address the Australian parliament about country-of-origin food labelling because it is such an important issue. We have competitive advantages in agricultural parts particularly, which is what I choose to talk about today, in proteins. Red meat and dairy protein are in the Asian diet and they are really something that
people are looking for. We have a great competitive advantage in starch-based products, so rice and wheat, where we can use mechanisation. We also have a competitive advantage in horticulture, particularly when we export it counter-seasonally.

They are great things that we export, but one of the things that Australian consumers need to have is a sense of trust in the system when they buy domestically produced products. There needs to be good labelling around it. I do not think it is unreasonable for Australian consumers to want to know what they are eating. I do not think it is unreasonable for Australian consumers to want to trust that the label they are looking at is a clear representation of the product they about are about to consume. It pleases me a great deal, as a new member of parliament, that we are talking about this issue. It pleases me a great deal that the Australian government is addressing this, because it is something that has been the bane of many people's existence for a very long time. Labelling such as 'Product of local and imported ingredients' really does not tell anyone anything. It was a bit of cop-out to even let that one go through to the keeper in the past, and it is good that we are addressing it.

Simple truth should be simple truth, but of course it is not always that straightforward when we are trying to put it on labels. People who go into our shops are usually time poor: they are living busy lifestyles; they want to be able to look at the product and assess that product clearly and quickly before they put that product in their shopping trolley. It is important to understand that when we do this labelling it needs to be very clear, it needs to be visually large—it needs to jump out—and there needs to be a level of trust for consumers that they can look at that product very quickly and work out what it is and where it came from.

I have looked at agricultural production and marketing of agricultural production in more than 80 countries around the world. I have had the very blessed opportunity to travel as an Australian Nuffield scholar. As part of the scholarship, one of the things we always do is go to supermarkets and look at how food is presented. There are very clever marketers out there. In fact, when I was in Canada one time I came across some apples that were marketed with the slogan 'Sprayed only when necessary'. I thought that was very clever marketing: 'Sprayed only when necessary'—like the farmers actually want to go out and spray for the fun of it! It was some good consumer marketing, and people were saying, 'Will I buy these apples, or will I buy the apples that are sprayed only when necessary?' Of course they take the ones that are sprayed only when necessary.

Marketers always have ways of spinning things to make it sound very good. I saw a picture of a product that was emailed to me yesterday. It was a salt and pepper shaker that had a tick; it said it was 100 per cent Australian owned, with a map of Australia on the label, and there, below that, it said, 'Using local ingredients from South Africa'. You had to look at it really hard to work out that it was a lovely little play on words. Even things like Mainland cheese—when we think of Mainland cheese we think it must be from the mainland. It is from New Zealand. The marketers certainly do try to spin things. When we think about labelling, it needs to be clear, it needs to be transparent and it needs to have the trust of the Australian consumer.

This is an issue that has been very dear to my heart for a very long time. I sat as a voluntary board member on the Australian Made campaign. I am not going to say that that is the right model or the best model, but it is something that I feel a great deal of passion for because it is an older brand that is well recognised—the green triangle with the kangaroo on it—and the
management of that is very good. How it is structured is there is a board of directors who are all voluntary—people from industry, people from the union movement, people from the food producing industries—and licensees pay to use that brand. They would pay anywhere between $200 up to $40,000, depending on the turnover of the business. It collected a sum of $2 million, and out of that $2 million we did some advertising. That does not sound like very much money as a total annual advertising spend but because it was well received by our media outlets we could extrapolate that and get greater bang for the buck.

Also, because people were using the brand, people we seeing the brand. That is one of the signals. If people use brands and labelling that the government endorses, they will see it on products and they will begin to trust the brands. But there needs to be a mechanism around the compliance, because there will always be businesses that will attempt to weave their way through legislation to try and exploit for their own commercial advantage.

It needs to be said that branding does not guarantee food safety. Food is not safe, but it is safer than it has ever been. I remember a guy telling me once how, when he was in India, he went to get some milk. In the little village in India, the producers would bring their milk in. The average person coming along would sample the milk before purchasing it. Of course, the purchaser would roll their sleeve up, put their arm in the milk and stir it all around. They would sample this one and go to the next one and stir it all around. Then they would go to the next one. The motto, if you were going to buy your milk in that little village, was: get there early before everyone has had their hand in your milk.

Food is not safe, but it is safer than it has ever been. I was in Ukraine at a market and there was a lady selling chicken. The chicken was sitting on a piece of cardboard. She was keeping the flies away with a piece of branch. If you or I ate that chicken we would be as crook as a dog but they have built up their immune systems. When I was in Fiji at least you knew the chicken was fresh because it was alive. You had to buy the chicken, take it home and slaughter it—chop its head off. At least you knew that it was fresh!

Food is not safe, but it is safer than it has ever been. There is comfort for the Australian consumers with our regulatory environment, with the businesses practices of Australian farmers, and with the employment and safety conditions that we give our workers, which many parts of the world do not have. There is comfort that when you buy a product which is clearly labelled that it is produced in Australia and grown in Australia, that it is most likely to be safe.

I think this is certainly what we are seeing as a push back. This is where the pressure for the government to respond on labelling is coming from. Australians know, in their heart of hearts, that one of the best way to guarantee that the food they are putting in their stomachs is safe—the way to guarantee that the food that they are buying for the children and grandchildren is safe—is to look for the Australian produced and Australian grown product. I am a strong believer in this, and I think we can do it.

Food is not safe, but it is safer than it has ever been. We have seen this becoming a marketing advantage for us. I was in Vietnam and a lady came up to me, begging. She wanted to buy some milk for her younger sister, so I accompanied her to the supermarket. I thought, 'This will be an interesting exercise.' I said, 'We can buy some milk for you. We can buy the infant milk powder that is produced in Australia or I can get three of these containers of milk that are made in China.' Even if she was begging I could not convince her to buy the Chinese
infant powder. They went through the melamine scare; they saw people die. Australians know that if they are buying Australian infant powder it is going to be safer to feed to their children, just as the Vietnamese beggar knew that it was safer to buy Australian infant milk powder.

So we want to change these laws. We want to make it clearer. We want to give trust to Australian consumers that when they buy a product if it says that it is grown in Australia it is grown in Australia. We want to make sure that they can see the product and make that choice fast when they are in the supermarket, because the greatest thing you can do is to look after Australian producers and to ensure the safety of families and put good food in their grocery supermarkets.

Debate adjourned.

**Infrastructure and Communications Committee**

**Report**

Debate resumed on the motion:

That the House take note of the report.

**Mr THISTLETHWAITE** (Kingsford Smith) (11:30): I pay tribute to all the members of the Standing Committee on Infrastructure and Communications and the witnesses who gave evidence in this inquiry into the very important issue of infrastructure planning, procurement and funding in Australia.

The previous, Labor government had established Infrastructure Australia to overcome some of the challenges associated with planning for infrastructure and, indeed, the politics that had been associated with infrastructure decisions in the past. IA is a body charged with developing a truly national long-term approach to dealing with and responding to the nation's growth, and restoring infrastructure planning to the heart of national economic management. Most of the recommendations of the government members' report complement and build on the previous, Labor government's initiatives to develop a more independent and effective system of infrastructure planning and delivery in Australia. We support the recommendation for a longer pipeline of projects than a 15-year horizon, and Labor moved amendments to support the government to allow the IA board to do this if it chooses to.

We also support the recommendation that a more planned approach be taken to providing the domestic skills base necessary to support efficient infrastructure planning and procurement. There was a very good suggestion made regarding 3-D imaging of infrastructure throughout the country. This may radically change the cost and time lines associated with infrastructure construction in the medium term and was the subject of a recommendation of this report. Labor strongly supports a robust method of capturing all costs and benefits of infrastructure proposals, including a proper analysis of the wider economic benefits of infrastructure. This method is important in public transport projects and active travel.

Infrastructure is a huge contributor to productivity. It creates current jobs and increases the numbers of future ones. Given the tight position the budget currently is in, it is vital that we select the best projects that ensure maximum productivity to the taxpayer and the best future returns to government for their investment. That is the basis of the Infrastructure Australia model that was established by Labor. It is led by experts and it takes the politics out of decisions regarding which projects are worthiest of government investment in infrastructure.
I want to thank my Labor colleagues on this committee, who prepared a very thoughtful and insightful dissenting report that notes and makes stronger recommendations in respect of planning for corridor reservation and acquisition, particularly in respect of rail projects and deficiencies of the government's approach to privatisation of productive state and Commonwealth infrastructure assets. The Labor members of the committee felt that the evidence showed a need for a Commonwealth authority that transcends the electoral cycle to work with the states, territories, local government and experts to pursue the designation of land corridors for the development of infrastructure, including high-speed rail.

It is fortuitous that the shadow minister for infrastructure has walked into the Federation Chamber at this point in time, because we all know that the shadow minister did excellent work as minister for infrastructure, working on preparing what has been the nation's most comprehensive study of the feasibility of high-speed rail in this country. Coming out of that report was the recommendation to establish a high-speed rail planning authority. The shadow minister for infrastructure currently has a private member's bill before the parliament which should be properly debated by the parliament and deserves thorough consideration and, in our view, support. There was a recommendation of the committee in respect of this, and significant evidence was taken by the inquiry supporting that view.

Mr Albanese gave evidence, and he said:

… support for an authority is an essential precondition. If it does not happen then you will lose momentum. That is the way that the bureaucracy and political class work. If there is not pressure on to keep the momentum and to keep it going, then it will just become another good idea with a report that is on a shelf. That is why I think structurally this is important.

Additionally, we received evidence from the former Deputy Prime Minister of Australia, Tim Fischer, who provided a very insightful and thoughtful written submission—again, supporting the approach of the shadow minister for infrastructure for the High Speed Rail Planning Authority—in which he had this to say:

… Capital City HSR "corridor close out" continues to occur, notably with some near disgraceful planning approvals around outer Melbourne, especially the dogs muddle unfolding at Donnybrook. Significantly international interest remains high re HSR possibilities including investment in Australian HSR by overseas interests but the clock is ticking. Now is the time for some bold decisions, now or virtually never.

That is the view of Tim Fischer, and I could not agree with him more.

So the Labor members have supported a recommendation in our dissenting report for the government to get on with consideration of the High Speed Rail Planning Authority Bill. The Labor members also accepted that the federal government should, through COAG, pursue a national system for registration of infrastructure related, and recognition of qualifications across Australia to better promote the efficient and cost-effective development of infrastructure. It was, however, noted that the federal government education and training policy needs to anticipate increased demand for local infrastructure planning procurement and delivery skills, and should have a skill supply policy that anticipates demand. Again, this was the subject of a very thoughtful recommendation by the Labor members.

The Labor members of the committee agreed that the government must develop innovative financing and funding models for the development of public infrastructure, and we supported the options that are listed in the report. However, we have expressed severe reservations...
regarding the government's Asset Recycling Initiative and its potential to incentivise privatisations of monopoly assets without adequate consumer and community protections. This is supported by the Productivity Commission's criticism of the structure of the government's Asset Recycling Initiative.

We also note that the federal government should fund projects on a mode-neutral basis to avoid distortion and inefficient investment decisions, and this includes funding urban passenger rail projects when they are identified as the best solution to a congestion problem. Just funding road projects sends a signal to cash-strapped states that roads are preferred and cheaper, and this has been noted by Infrastructure Australia as distorting and wrong. It has been wrong, yet this is the approach of the Abbott government when it comes to planning for what is probably some of the most important infrastructure in moving Australians around, particularly in bigger cities.

It was also strongly argued by the Labor members of the committee that the Australian government should ensure that all projects with a capital value of over $100 million have a cost-benefit analysis assessed by Infrastructure Australia using a standard method capable of comparison across projects and that the evaluation should inform funding decisions and therefore should occur prior to any proposed allocation of funds. This is something that Labor believes wholeheartedly in. There must be adequate cost-benefit analysis of big projects before decisions such as this are made. A classic example of this is the WestConnex project in Sydney, and the fact that the WestConnex project will go past the biggest port in the country, at Port Botany, and yet not connect up to Port Botany at all, putting additional pressure on local roads in my community and in the member for Grayndler's community and other surrounding suburbs—but also, importantly, hampering the economic development of the country by not having the biggest road project in the country's history connect up with the biggest port, when it is a matter of 100 metres away. It is a crazy proposal to be considering. If Infrastructure Australia were tasked with doing proper cost-benefit analysis, we could avoid problems like this.

On the whole, it was a good process. I thank the members of the committee. In particular, I thank those Labor members of the committee for their very thoughtful dissenting report.

Mr ALBANESE (Grayndler) (11:40): I welcome many of the recommendations that are contained in this report on infrastructure planning and development by the Standing Committee on Infrastructure and Communications. I am glad that there is bipartisan support for a rigorous, evidence based approach to the delivery of new roads, railway lines and other critical infrastructure.

During the period of the former government, we created Infrastructure Australia, which delivered the nation's first evidence based process for infrastructure planning. It was given the role of breaking the nexus between the political cycle, which is by definition short term, and the infrastructure investment cycle, which is much more long term. It did that by assessing the business cases of the projects competing for Commonwealth funding and by being transparent in publishing those business cases. The creation of Infrastructure Australia was perhaps the most important development in this policy area for decades.

The problem with this government is that, whilst its committee members are supporting that process, its actions are undermining that very process that was established. The government introduced legislation which would have completely undermined Infrastructure
Australia's independence, and the House of Representatives carried it; but they could not get it through the Senate. It then acted to ensure that Michael Deegan, the head of Infrastructure Australia, left that position in February 2014, and it did not fill that vacancy for more than a year, thus showing its contempt for those processes.

But, worst of all, in the Abbott government's first budget, there is not a single project that was approved by the government which had been through the Infrastructure Australia process. There is not one. It did not have many new projects. As you are aware, Mr Deputy Speaker, there were projects like Gateway WA in your electorate, which was funded and well underway with 2,000 workers on site and under construction when, during the Western Australian Senate by-election, government ministers travelling to Perth were pretending that somehow this was a new project. In other cases, projects like the Swan Valley Bypass was renamed NorthLink WA, and the F3 to M2 renamed NorthConnex, and the government pretended both those projects were new projects. A new name does not make it a new project. In other cases, the government has cut back funding for projects that were recommended by Infrastructure Australia—projects such as the Cross River Rail project in Brisbane, the Melbourne Metro Rail Project and the M80 Ring Road project in Melbourne—in order to fund projects that had not been through the IA process. These are projects such as the East West Link in Melbourne, WestConnex and the Perth Freight Link—prior to the federal election in 2013, no-one in my department had even received any request from the WA government for such a project.

What they did, though, was cut money from projects that had been approved and been through proper processes and funded projects that we now know—in the case of East West Link, the worst example—do not stack up. East West Link has a cost-benefit analysis of 0.45, or 45c returned for every dollar invested. In order to fund that, they took money from the managed motorways projects such as the Monash Freeway managed motorway in Melbourne that has a BCR of above five—it is above five—and the M80, which has a positive analysis as well. It is one thing to talk about proper process, but it is another thing to engage in it—and this government has completely failed when it comes to engaging.

There are very positive things in this report, such as the call to capture all costs and benefits of infrastructure proposals, including wider economic benefits. Value capture of new infrastructure projects is something that can lift the value of those projects and paint a true picture of the wider benefits of investment in infrastructure. An example of that was the announcement made by Luke Foley, the leader of the New South Wales Labor Party, last Friday when he and I attended Badgerys Creek, the site for Sydney's second airport. He indicated that value capture should be built into the arrangements around the lease of the second airport so that a railway line can be built.

You need public transport to make that airport function properly. You need it now and not decades into the future—just as the roads need to be built. Once you do that you get better outcomes. The Baird government, of course, criticised that, but there is no difference between this and the developer contributions that are put in place for new housing to provide those basic infrastructure services, such as water and electricity. It does need to be factored in. Once it is, infrastructure can be painted in the right light.

This report is an important contribution to the debate. It is also important for what is not in it, and for what is contained in the dissenting report. The dissenting report goes through the
distinction between what the government has said it would do and what it has actually done. It
goes through the importance of having a cost-benefit analysis of all projects with a value
above $100 million and of that being a transparent process. That is nothing more and nothing
less than what the government promised it would do prior to its election in 2013.

The dissenting report also calls for Commonwealth investment in public transport. That is
absolutely common sense. The Prime Minister has this bizarre world view that the
Commonwealth should not invest in public transport. The government justifies that by saying
that the states run the public transport network. Yes they do, but they also run the road
networks in Perth and Sydney and Melbourne and Brisbane. So it is an absurd distinction. The
Prime Minister, in his book, *Battlelines*, had this to say:

Mostly, there just aren't enough people wanting to go from a particular place to a particular destination
at a particular time to justify any vehicle larger than a car, and cars need roads.

This is a bizarre world view about our modern global cities, which need public transport
investment as well as roads. By not investing in public transport, there is a distortion of the
market, and you will see over a period of time a failure of Australian state governments to
invest as well.

There are also important recommendations in the dissenting report about cooperation and
corridor protection. There is nowhere where this is more important than in the high-speed rail
issue. I was in Albury on Monday with our candidate for Albury in the state election, Ross
Jackson, promoting high-speed rail. High-speed rail will transform those regional cities along
the route as well as having benefits for intercity capital transport, with three hours between
Sydney and Melbourne and Sydney and Brisbane. There is broad support for it, which is why
I gave evidence before this committee inquiry about my private member's bill. My High
Speed Rail Planning Authority Bill should be carried by the parliament; it is in line with the
recommendations of the advisory group that included Tim Fischer, Jennifer Westacott from
the Business Council of Australia and Bryan Nye from the Australasian Railway Association.

This is the sort of visionary project that Australians want to see progressed by the
government. It cannot occur over the short term, but over the long term it will have an
enormous benefit. A cost-benefit analysis showed $2.15 of benefit between Sydney and
Melbourne for every dollar invested—a lot better than the East West Link which this
government still says should proceed, despite the fact that the evidence is in. I commend
many of the committee's recommendations but I particularly commend the dissenting report.

*(Time expired)*

Debate adjourned.

**Economics Committee**

**Report**

Debate resumed on the motion:

That the House take note of the report.

Mr CONROY (Charlton) (11:50): I rise to make some brief remarks about the review of
APRA undertaken by the House of Representatives Standing Committee on Economics. First
of all, I would like to thank the committee secretariat for their excellent work and APRA for
appearing before us and participating in quite a lively discussion about the various issues
confronting Australia's financial system.
I will concentrate on just a couple of aspects of the report in my contribution today. The first of those goes to our superannuation industry and its governance, which was the subject of a fair amount of commentary and questioning during the public hearing. Some coalition MPs, led by the then chair of the committee, the member for Higgins—and I congratulate her on her promotion to parliamentary secretary—concentrated on a couple of instances of perceived misgovernance in the industry super funds area. While I am in no way excusing any of those instances, if they are found to be true, I think the debate was missing some context and an understanding of the scale of the issues confronting the superannuation industry.

I think the coalition MPs who were questioning APRA about the expenditure of $100,000 by a certain industry fund and so forth missed the main game. The main game is the fees that super fund members are paying to their funds and what they are getting in return. APRA's own publications and reports, which we explored during this review, found that industry super fund members paid $88 million in directors fees. That compares with $449 million paid to directors of retail super funds—$88 million versus $449 million. That is despite the fact that retail funds manage only 26 per cent of total superannuation assets in this country. They manage 26 per cent of total superannuation assets but collect 82 per cent of directors fees, a massive mismatch between funds under management and fees paid. That is a real concern, not only to me but to people who have been involved in superannuation policy for decades.

But it is worse than that if you take into account the performance of retail super funds versus other super funds, be they commercial funds, industry super funds or SMSFs. The high fees—in comparison to industry fund fees—paid by retail super fund members do not buy them better performance. In fact, if you look at average annual returns from super funds over ten years, which is the best measure because it gives you a long enough time horizon, retail super funds have delivered returns of, on average, 4.9 per cent per annum for their members. That compares with industry super funds, which have returned 6.7 per cent. So retail fund members are paying much more in fees, but the headline performance they are getting is nearly two per cent per annum lower on average—and that difference compounds over time. That is not to say that all funds in the retail area are performing poorly. APRA made some quite valid points about how sometimes these comparisons may not necessarily be apples with apples, but these are the best comparisons we can make from official APRA statistics—and they are a real concern. We also explored the fact that, of the top 47 superannuation funds by 10-year performance, only one was a retail super fund. This report should be a wake-up call to retail super funds that they do need to confront issues in their sector, just as industry super funds and SMSFs have issues in theirs as well.

Another aspect of the report that we explored was related party services. This is where members of super funds are charged for services by parties related to the super fund they are a member of. In a particular hearing, I explored with APRA a working paper published by some of their staff in 2010 that found that, on average, the average retail fund member paid $485 per year for related party services—versus $184 by members of not-for-profit funds—so they are paying 2.7 times the market rate for related party services. There could be good reasons for this, but related parties is an area where there is not a lot of transparency, there is not a lot of visibility, about whether directors, who are obliged to look at the best value for money for their members, are really doing that or whether they are looking at services offered by related parties as a way of bulking up the income to their entity. It is something we need to explore.
further. APRA assured us that they are looking at this very closely in terms of compliance, and I commend them for that; but I urge them to keep a very close eye on this issue because it is one of great concern to members—this lack of transparency and the relationships between directors of super funds and related entities.

The other aspect of the report that I want to touch on quickly is the Basel III reforms to our financial systems industry and the related work that has been done under the Murray inquiry. APRA testified before us that there will be a reduced scope for the big four banks to use internal models to generate lower risk weightings for their capital requirements. In plain language, they have basically been able to, in the past, argue that their internal models of handling risk mean that they need to hold less capital than smaller financial entities to meet any requirements. This has given them a competitive advantage over smaller banks, such as Bendigo Bank, the Adelaide Bank in the past, or Members Equity Bank, and given them a significant advantage over building societies and mutual societies. It has been an unfair advantage, because it is linked to this concept of being ‘too big to fail’ and the implicit subsidy that federal governments give to the big four banks. I am pleased to hear from APRA that the big four banks will be required to hold more capital, which is in their own interests because it means that they are more secure in terms of their lendings but it also levels the playing field for smaller banks and building societies.

In my home area of Newcastle and the Hunter region, we have got a great network of building societies and mutuals that really are at the heart of our community. They do great work sponsoring local groups, sporting clubs, schools and, while they should not get a competitive advantage because they are embedded in the local community, they should be on a level playing field with the big four banks that have plenty of other advantages. So I am very pleased that APRA is looking into this area, and hopefully the playing field will be levelled in the future.

I commend the report to the House. I think it is an excellent report, but there is more to be done on the governance of superannuation funds and levelling the playing field for banks.

Debate adjourned.

**Standing Committee on the Environment**

Report

Debate resumed on the motion:
That the House take note of the report.

**Mr JOHN COBB** (Calare) (11:58): I think one of the major jobs our government had on taking office was to reduce the costs of doing business. In the main, you could say that what we have done so far in dealing with state governments, once the Senate signs off on it, is create one-stop shops and lower the cost—it looks like almost half a billion dollars a year—to have a simpler, faster, cheaper approval process. If businesses have to get approval to do things from two levels of government, you would think that they were mostly big businesses and corporations, but they are not always. And, whether it is or whether it is not, it is not a good reason to have an incredibly expensive process, going through multi levels—quite often, three levels—of government, to simply get an approval to proceed, to get a development application through or to get a business model through. It is incredibly expensive. To have a
one-stop shop where we agree to state governments signing off on our behalf makes a lot of sense.

I do recall that, under the previous government, when the current Leader of the Opposition in the House was environment minister, he pretty much totally copied existing state legislation for coalmining and the like, which was absolutely unnecessary in the state of New South Wales because it pretty much mirrored what was already happening. So, where we have this sort of thing, it makes absolutely no sense to have the multilayered levels of government tripling the cost of what should be simple and able to be processed far more cheaply, far more rationally and far more pragmatically, to allow business of all sizes, small or large, to go about increasing our nation's productivity and efficiency and giving us something to look forward to in the future.

Deputy Speaker—I see it is the new Deputy Speaker—

The DEPUTY SPEAKER (Ms Henderson): Good afternoon.

Mr JOHN COBB: I would like to take this opportunity, while we are talking about efficiencies in business and building or whatever it might be in our country, to say that I think that political correctness has kind of taken over from common sense in a lot of these things. I think that we do have to go further as a nation at all levels of government—certainly at the federal level but particularly at a state level, and perhaps, in a lot of areas, even more so at the local government level, where I think political correctness is pretty much totally out of control, particularly where individuals want to get development applications for domestic reasons, to build domiciles or to alter domiciles, but right through all levels of government.

I do think we have to go further, and I think it does require leadership, and from the top. I think that this is a great opportunity as we lead the nation in rationalising those processes that we have to go through, as individuals, as companies and as governments, in order to do anything—to start a business, to do a development or whatever it might be, in farming, in business or in mining. I think this is a great opportunity for the Minister for the Environment to show some leadership and to stand up and say: 'Political correctness is not the reason we do things.'

In Australia, I think we suffer greatly from the fact that, when anything goes wrong—and I do not blame the media for when we make a mistake, as a politician or as a government; that is something we do to ourselves—the media has a huge role in always wanting to find a scapegoat. Nothing is ever an accident—although most things are. So they always want a scapegoat, which means that the bureaucracy involved immediately want to have more red tape and more process so that it is very hard for anyone to actually be at fault when something goes wrong.

I think that this is a great time for the Minister for the Environment to show some courage and leadership and say, 'Enough is enough.' I think back to when the big change in a lot of this happened. I remember when it happened in my state of New South Wales. Instead of it being 'Buyer beware' when you bought a house or a unit or whatever it was, suddenly the vendor had to produce all the possible information that anyone could want, in terms of the history of the plot and the way it was built, rather than the buyer having to deal with it himself. What that meant was that it was far more likely that there would be litigation at the local government level. So now you have to have a process a foot thick before anyone is game to
give you permission to put up a shed in your backyard or whatever it might be. I do believe that we need to not be so politically correct. A lot of systems work very well but something needs to take the place of DAs being so involved. The DA process is probably adding 30 per cent to the cost of a house. Quite often the cost of getting a DA for a farm or a business development is amazing not just in cost and time but in cost and money.

We do need to have rules and certainly if we are talking about public buildings or public utilities then perhaps there is a case to be made to ensure everything is right up-front. But where it is a private business, a small business or a private situation, the rules are the rules. You should be able to do it and if something goes wrong, it is on your head if you have not built it according to the rules. What we have now, whether it is farming or business, is that you have to go to court before you can start not when you have done something wrong. That is why the cost is so enormous.

It is called political correctness and we are drowning in it in our country. I think the Minister for the Environment is the person who should be leading the way and saying, 'We do not have to die or drown in a welter of political correctness that is raising the cost of doing business to the extent that it is, whether it is for a person, a small business or at the private or the corporate level.' Now is a great time for the Minister for the Environment to show that courage and to speak up.

Debate adjourned.

**Economics Committee**

*Report*

Debate resumed on the motion:
That the House take note of the report.

**Mr Broad** (Mallee) (12:07): I rise to talk to the Australian parliament about what I think is a very important issue for everyday Australians—that is, the dream of owning your own home. We live very busy lives as members of parliament, but sometimes we have a little down time. Recently, I had a nice weekend to myself—at least I thought I had a weekend to myself—and my wife said, 'I've got a list of jobs for you, Sunshine.' So I spent the weekend working away doing improvements to our family home. Some of those improvements were painting and there is something about painting that gives you time to reflect and I thought about the dream of home ownership. I thought that if I was renting this would I look after this property as much as if I owned it. I had to be honest with myself and say there is something about a property that you own and you look after it better.

The great Australian dream, the dream of having a place that is yours, a place that you have worked hard for, a place where you can raise a family, should be a dream that is attainable. That dream is becoming increasingly unattainable for young Australians. Our government is exploring lots of ways to make that dream more attainable. Some of those ways are in the public domain for discussion at the moment, including around whether superannuation should be realised as a deposit. Those options are there for discussion. I am not saying that they should be accepted, but at least we are putting forward ideas. But I do not think it is fair that if a young person or a couple want to acquire their first home, they should not have to compete on the global market with institutional investors from all over the world. That only makes the property more expensive and sometimes out of reach. For that reason, I was very pleased that
the Standing Committee on Economics has handed down a report into foreign investment in residential real estate. This is something that I think has been asked for by the Australian population and it is something that I think has been welcomed. I am very pleased to hear that our government is now going to release a discussion paper looking into how we can address this problem.

The Foreign Investment Review Board has some rather stringent rules around homeownership. If you are a noncitizen and you want to purchase a house in a town, you are not allowed to—you need to seek approval, and there is quite a rigorous process to go through. Whilst stringent, I do not believe those laws have been policed or monitored very closely. In the past seven years there have been no prosecutions; there have been no forced sales or realisation of a property where someone has broken those laws. That is a contrast to the situation with agricultural land. Whilst you could not buy a house in a town, you could purchase $244 million worth of agricultural land and not need any approval. That was a gaping hole that our government needed to address, and I am pleased to note that our government has addressed that and that the threshold for agricultural land has been lowered to $15 million.

The government wants to resource the Foreign Investment Review Board thoroughly so that it can ensure that the law is upheld. The law is that, if a business is producing a set of new units, they have to advertise new units to Australian consumers, as potential purchasers, not just offer them off the plan to offshore institutional investors. This matter was raised with me the other day when I was in the eastern suburbs of Melbourne. We were driving along and somebody said, 'See that block of units—they were built and sold before any locals even had a chance to put in an offer.' That is in a suburb in Melbourne where housing prices are perhaps the biggest issue. The Foreign Investment Review Board will now have to be well resourced. A purchaser will have to contribute a fairly sizeable amount of money—some would say it should be more, and some would say it should be less—to resource the Foreign Investment Review Board to ensure that our laws are upheld.

Young Australians should have the right to have a dream, to own a home. I have recently been reading a book about Sir Henry Bolte, who was Premier of Victoria for 17 years. He said that, as a member of parliament, he always looked through the paradigm of two key policies: try to make sure people can attain and keep a job; and try to maintain a policy where people can buy a house. And everything else falls behind that. It is rather interesting that someone who was Premier of Victoria for 17 years narrowed it down to a rather simple narrative.

Sometimes I think we complicate things. We get caught up in the great philosophical arguments of the parliament. But, at the end of the day, people want to be able to provide for their family and put a roof over their heads. What we are trying to do is create a good working environment, where people can have a job—that is what our government is committed to—and to create a framework where, when a young couple or a young man or a young woman want to buy house, they can see that house ownership is affordable and attainable. That is what we are on about and that is what we are here to do. That is what a responsible government does. Ultimately, a government that maintains the key principle of making sure that people can provide for their family through a job and put a roof over their head is a government that people will vote for again, because those are the two key fundamentals of a strong and robust society.
This is a good report. It is addressing some of the issues. We are making the tough decisions. We want to make sure that our young Australians can buy a house and not have to compete with institutional investors from across the world. Making housing more affordable is one of the key aims of this government.

Mr IRONS (Swan) (12:14): It is a pleasure to be able to rise and follow the member for Mallee, and I thank him for his input on this report. Even though I am not a member of the committee that this particular report was produced by, I feel that I should comment because of the amount of construction of new apartments going on in the electorate of Swan and because of the deep interest in foreign investment in Western Australia of many Western Australians, particularly in my electorate of Swan, and I know some real estate agents and property developers have contacted my office. So I had a look through this report, and there were some parts of the report that I thought were vital to get on the record, for the people of Swan and also for those people who have contacted my office. So I will be quoting directly from the report but I think these items need to be put on the record for the people in Swan.

The first part of the chair's foreword to the report really lays out the reasons behind this report. It says:

Residential housing has been, and will always be, an issue that is at the forefront of community debate and discussion. And I know the member for Mallee highlighted that particularly in his speech and put it in a very succinct way. The foreword continues:

Owning your own home is part of the great Australian Dream. For many it represents the opportunity to build a future, it represents connection with community and security for family. Buying into the Australian Dream doesn't come cheap. According to a recent International Monetary Fund (IMF) report, the current ratio of housing prices in Australia to average incomes is 31.6% above the historical average. Is it any wonder then, that many Australians now worry that home ownership may be out of reach for them, for their children, or for their grandchildren? At the same time, Australians worry about rental and interest costs, and their impacts on the cost of living. There is no one simple explanation for the decline in housing affordability—although lack of land supply, underdevelopment, state planning laws and regulations, local council red tape, and stamp duty and tax arrangements likely all play a part. Over the years, however, many in the community have asked the question—what role does foreign investment play in residential real estate?

Just going back to housing affordability, I know that, when I bought my first house in Western Australia, in Scarborough, which is a place that many Victorians head to when they migrate to Western Australia, it was priced at around $25,000, and I think that within four years it had doubled in value, and now I think that same property would probably be selling for well over $1.5 million. So, as to an explanation of why there is not a generous amount of housing affordability in the community, these price increases are one reason.

I also note that the report mentioned local council red tape. We have a planning commission in Western Australia as well, which is looking at increased density in its planning for the outbreak of new housing. That flies in the face of what we have seen, because we have seen that a lot of social issues have come from increased density, and I think that they need to reverse that decision and head back to having affordable housing and releasing land, because
there is one thing we are not short of in Western Australia, and that is land—there is plenty of it.

Mr Broad interjecting—

Mr IRONS: And quality land, as I hear from the member for Mallee. But that land should be unlocked and released so that those who are prepared to live in outlying areas and who do not want to have a McMansion but are happy to start off, as many of us did, with a small place with a true outhouse—and I am sure that when I grew up the first place that I lived in had an outhouse, and the first place I bought had an outhouse—may afford to buy. So the community expectations that make people live in McMansions need to be cut back, I think, and people need to lower their expectations and start off on a small step, which will make housing affordability a lot better. So I ask that the Western Australian government also look at making sure that they release property that people can afford to buy.

I think it is important to get on the record what the current investment framework is in Australia. Under our current foreign investment framework, as it applies to residential real estate, foreign investment is channelled into new housing so that more homes and apartments are built, meaning more opportunities for people to purchase. It also contributes directly to economic activity, generating employment for builders and suppliers and all the associated trades.

When it comes to existing homes, there are generally prohibitions and restrictions. Non-resident foreign investors are prohibited from purchasing an existing home and temporary residents on visas of more than 12 months can purchase just one existing home to live in while they are resident in Australia, but must sell this home on their visa expiring. All purchases, whether new or existing homes, are required to be pre-screened by the FRIB and supported by the Foreign Investment and Trade Policy Division of the Treasury.

According to the FIRB statistics in the first nine months of this financial year, FIRB approved foreign investments into residential property of around $24.8 billion, 44 per cent higher than the $17.2 billion approved during the 2012-13 year. Much of the investment is concentrated in the Melbourne and Sydney markets. Most of the increases are attributable to proposed investments in new property which have been $19.3 billion for the first nine months of 2014—79 per cent higher than the 2012-13 year. The total number of established property approvals for the first nine months of 2013-14 is 5,755 compared to 5,101 in 2012-13.

Of the six public hearings that were held and after considering more than 92 submissions, the committee had four key findings that translated into 12 practical recommendations. The four key findings are:

First, there is no accurate or timely data that tracks foreign investment in residential real estate. No one really knows how much foreign investment there is in residential real estate, nor where that investment comes from.

Second, there has been a significant failure of leadership at FIRB, which was unable to provide basic compliance information to the committee about its investigations and enforcement activity.

Third, if you are not prepared to enforce the rules, then it is less likely that people will comply with the rules. This is especially true if the consequences of a breach are not meaningfully adverse.

Fourth, currently the Australian taxpayer foots the bill for the administration of FIRB and FITPD, not the foreign investors applying for approval. This has arguably contributed to underinvestment in FIRB's audit, compliance and enforcement activities.
I think the member for Higgins, Kelly O'Dwyer, has done a magnificent job on this particular report. There are many more aspects of the report which I would like to go to, but I will go to the conclusion, which states:

In conclusion, the Committee found that the current foreign investment framework should be retained. In practice the framework has been undermined due to poor data collection, along with a lack of audit, compliance and enforcement action by FIRB. Australians are entitled to expect that the rules are properly enforced and our committee recommendations strengthen the ability to do this.

And the chair says:

I would also like to acknowledge and thank all of those people who have helped inform this inquiry.

   In particular, those people and organisations that made submissions and presented evidence; those who sent letters and provided their views; the Parliamentary Library and the Parliamentary Budget Office for their efficient professionalism; and members of the committee, who took a very collegiate approach to this task.

In closing, I commend the report to the House and at the same time call on the Western Australian government to continue unlocking land to make housing affordability better for people in Perth and Western Australia.

   Debate adjourned.

**ADJOURNMENT**

**Mr IRONS** (Swan) (12:23): I move:

That the Federation Chamber do now adjourn.

Question agreed to.

   Federation Chamber adjourned at 12:24
QUESTIONS IN WRITING

Youth Connections

(Question No. 682)

Mr Katter asked the Minister for Education and Training, in writing, on 4 December 2014:

Will he reinstate the funding for Youth Connections, which helps young Australians overcome barriers and engage with education, and that has a success rate of over 80 per cent with participants still either employed or in the education system two years after completing the program.

Mr Pyne: The answer to the honourable member's question is as follows:

The Youth Connections programme finished as planned in December 2014. Keeping young people under the age of 17 engaged in education is a state and territory responsibility and a record amount of schools funding should support their efforts. With 74 per cent of participants in Youth Connections under the age of 17, this programme was duplicating state and territory effort.