INTERNET
The Journals of the Senate are available at

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

For searching purposes use
http://parlinfo.aph.gov.au

SITTING DAYS—2016

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>February</td>
<td>2, 3, 4, 22, 23, 24, 25, 29</td>
</tr>
<tr>
<td>March</td>
<td>1, 2, 3, 15, 16, 17</td>
</tr>
<tr>
<td>May</td>
<td>10, 11, 12</td>
</tr>
<tr>
<td>June</td>
<td>20, 21, 22, 23, 27, 28, 29, 30</td>
</tr>
<tr>
<td>August</td>
<td>23, 24, 25, 29, 30, 31</td>
</tr>
<tr>
<td>September</td>
<td>1, 19, 20, 21, 22</td>
</tr>
<tr>
<td>October</td>
<td>10, 11, 12, 13</td>
</tr>
<tr>
<td>November</td>
<td>7, 8, 9, 10, 21, 22, 23, 24, 28, 29, 30</td>
</tr>
<tr>
<td>December</td>
<td>1</td>
</tr>
</tbody>
</table>

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

- ADELAIDE 972AM
- BRISBANE 936AM
- CANBERRA 103.9FM
- DARWIN 102.5FM
- HOBART 747AM
- MELBOURNE 1026AM
- PERTH 585AM
- SYDNEY 630AM

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

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

Senate Office Holders
President—Senator Hon. Stephen Parry
Deputy President and Chair of Committees—Senator Gavin Mark Marshall
Temporary Chairs of Committees—Senators Christopher John Back, Cory Bernardi, Sam Dastyari, Sean Edwards, Alexander McEachian Gallacher, Susan Lines, Deborah Mary O'Neill, Nova Maree Peris OAM, Dean Anthony Smith, Zdenko Matthew Seselja, Glenn Sterle, Peter Stuart Whish-Wilson and John Reginald Williams
Leader of the Government in the Senate—Senator Hon. George Henry Brandis QC
Deputy Leader of the Government in the Senate—Senator Hon. Mathias Cormann
Leader of the Opposition in the Senate—Senator Hon. Penny Wong
Deputy Leader of the Opposition in the Senate—Senator Hon. Stephen Conroy
Manager of Government Business in the Senate—Senator Hon. Mitchell Peter Fifield
Manager of Opposition Business in the Senate—Senator Claire Moore

Senate Party Leaders and Whips
Leader of the Liberal Party in the Senate—Senator Hon. George Henry Brandis QC
Deputy Leader of the Liberal Party in the Senate—Senator Hon. Mathias Cormann
Leader of The Nationals in the Senate—Senator Hon. Nigel Scullion
Deputy Leader of The Nationals in the Senate—Senator Hon. Fiona Nash
Leader of the Opposition in the Senate—Senator Hon. Penny Wong
Deputy Leader of the Opposition in the Senate—Senator Hon. Stephen Conroy
Leader of the Australian Greens—Senator Richard Di Natale
Co-deputy Leaders of the Australian Greens in the Senate—Senators Scott Ludlam and Larissa Joy Waters
Chief Government Whip—Senator David Christopher Bushby
Deputy Government Whips—Senators David Julian Fawcett and Dean Anthony Smith
The Nationals Whip—Senator Matthew James Canavan
Chief Opposition Whip—Senator Anne McEwen
Deputy Opposition Whips—Senators Catryna Louise Bilyk and Anne Elizabeth Urquhart
Australian Greens Whip—Senator Rachel Siewert

Printed by authority of the Senate
<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz, Hon. Eric</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Back, Christopher John</td>
<td>WA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Bernardi, Cory</td>
<td>SA</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Bilyk, Catryna Louise</td>
<td>TAS</td>
<td>30.6.2020</td>
<td>ALP</td>
</tr>
<tr>
<td>Birmingham, Hon. Simon John</td>
<td>SA</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Brandis, Hon. George Henry, QC</td>
<td>QLD</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Brown, Carol Louise</td>
<td>TAS</td>
<td>30.6.2020</td>
<td>ALP</td>
</tr>
<tr>
<td>Bullock, Joseph Warrington</td>
<td>WA</td>
<td>30.6.2020</td>
<td>ALP</td>
</tr>
<tr>
<td>Bushby, David Christopher</td>
<td>TAS</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Cameron, Hon. Douglas Niven</td>
<td>NSW</td>
<td>30.6.2020</td>
<td>ALP</td>
</tr>
<tr>
<td>Canavan, Matthew James</td>
<td>QLD</td>
<td>30.6.2020</td>
<td>LNP</td>
</tr>
<tr>
<td>Carr, Hon. Kim John</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Cash, Hon. Michaelia Clare</td>
<td>WA</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Colbeck, Hon. Richard Mansell</td>
<td>TAS</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Collins, Hon. Jacinta Mary Ann</td>
<td>VIC</td>
<td>30.6.2020</td>
<td>ALP</td>
</tr>
<tr>
<td>Conroy, Hon. Stephen Michael</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Cormann, Hon. Mathias Hubert Paul</td>
<td>WA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Dastyari, Sam</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Day, Robert John</td>
<td>SA</td>
<td>30.6.2020</td>
<td>FFP</td>
</tr>
<tr>
<td>Di Natale, Richard</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>Edwards, Sean</td>
<td>SA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Fawcett, David Julian</td>
<td>SA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Fierravanti-Wells, Hon. Concetta Anna</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Fifield, Hon. Mitchell Peter</td>
<td>VIC</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Gallacher, Alexander McEachian</td>
<td>SA</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Gallagher, Katherine Ruth(3)</td>
<td>ACT</td>
<td></td>
<td>ALP</td>
</tr>
<tr>
<td>Hanson-Young, Sarah Coral</td>
<td>SA</td>
<td>30.6.2020</td>
<td>AG</td>
</tr>
<tr>
<td>Heffernan, Hon. William Daniel</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Johnston, Hon. David Albert Lloyd</td>
<td>WA</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Ketter, Christopher Ronald</td>
<td>QLD</td>
<td>30.6.2020</td>
<td>ALP</td>
</tr>
<tr>
<td>Lambie, Jacqui</td>
<td>TAS</td>
<td>30.6.2020</td>
<td>IND</td>
</tr>
<tr>
<td>Lazarus, Glenn Patrick</td>
<td>QLD</td>
<td>30.6.2020</td>
<td>IND</td>
</tr>
<tr>
<td>Leyonhjelm, David Ean</td>
<td>NSW</td>
<td>30.6.2020</td>
<td>LDP</td>
</tr>
<tr>
<td>Lines, Susan</td>
<td>WA</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Lindgren, Joanna Maria(4)</td>
<td>QLD</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Ludlam, Scott</td>
<td>WA</td>
<td>30.6.2020</td>
<td>AG</td>
</tr>
<tr>
<td>Macdonald, Hon. Ian Douglas</td>
<td>QLD</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Madigan, John Joseph</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>IND</td>
</tr>
<tr>
<td>Marshall, Gavin Mark</td>
<td>VIC</td>
<td>30.6.2020</td>
<td>ALP</td>
</tr>
<tr>
<td>McAllister, Jennifer(2)</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>McEwen, Anne</td>
<td>SA</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>McGrath, James</td>
<td>QLD</td>
<td>30.6.2020</td>
<td>LNP</td>
</tr>
<tr>
<td>McKenzie, Bridget</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>NATS</td>
</tr>
<tr>
<td>McKim, Nicholas James(5)</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>McLucas, Hon. Jan Elizabeth</td>
<td>QLD</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Moore, Claire Mary</td>
<td>QLD</td>
<td>30.6.2020</td>
<td>ALP</td>
</tr>
<tr>
<td>Muir, Ricky Lee</td>
<td>VIC</td>
<td>30.6.2020</td>
<td>AMEP</td>
</tr>
<tr>
<td>Nash, Hon. Fiona Joy</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>NATS</td>
</tr>
</tbody>
</table>
### Senators

<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>O'Neill, Deborah Mary (1)</td>
<td>NSW</td>
<td>30.6.2020</td>
<td>ALP</td>
</tr>
<tr>
<td>O'Sullivan, Barry James</td>
<td>QLD</td>
<td>30.6.2020</td>
<td>NATS</td>
</tr>
<tr>
<td>Parry, Stephen Shane</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Payne, Hon. Marise Ann</td>
<td>NSW</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Peris, Nova Maree, OAM</td>
<td>NT</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Polley, Helen Beatrice</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Reynolds, Linda Karen, CSC</td>
<td>WA</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Rhiannon, Lee</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>Rice, Janet Elizabeth</td>
<td>VIC</td>
<td>30.6.2020</td>
<td>AG</td>
</tr>
<tr>
<td>Ronaldson, Hon. Michael</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Ruston, Anne Sowerby</td>
<td>SA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Ryan, Hon. Scott Michael</td>
<td>VIC</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Scullion, Hon. Nigel Gregory</td>
<td>NT</td>
<td></td>
<td>CLP</td>
</tr>
<tr>
<td>Seselja, Zdenko Matthew</td>
<td>ACT</td>
<td></td>
<td>LP</td>
</tr>
<tr>
<td>Siewert, Rachel Mary</td>
<td>WA</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>Simms, Robert Andrew (6)</td>
<td>SA</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>Singh, Hon. Lisa Maria</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Sinodinos, Hon. Arthur</td>
<td>NSW</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Smith, Dean Anthony</td>
<td>WA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Sterle, Glenn</td>
<td>WA</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Urquhart, Anne Elizabeth</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Wang, Zhenya</td>
<td>WA</td>
<td>30.6.2020</td>
<td>PUP</td>
</tr>
<tr>
<td>Waters, Larissa Joy</td>
<td>QLD</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>Whish-Wilson, Peter Stuart</td>
<td>TAS</td>
<td>30.6.2020</td>
<td>AG</td>
</tr>
<tr>
<td>Williams, John Reginald</td>
<td>NSW</td>
<td>30.6.2020</td>
<td>NATS</td>
</tr>
<tr>
<td>Wong, Hon. Penelope Ying Yen</td>
<td>SA</td>
<td>30.6.2020</td>
<td>ALP</td>
</tr>
<tr>
<td>Xenophon, Nicholas</td>
<td>SA</td>
<td>30.6.2020</td>
<td>IND</td>
</tr>
</tbody>
</table>

Pursuant to section 42 of the Commonwealth Electoral Act 1918, the terms of service of the following senators representing the Australian Capital Territory and the Northern Territory expire at the close of the day immediately before the polling day for the next general election of members of the House of Representatives.

<table>
<thead>
<tr>
<th>Territory</th>
<th>Senator</th>
<th>Party</th>
<th>Senator</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Capital Territory</td>
<td>Gallagher, K.</td>
<td>ALP</td>
<td>Seselja, Z.M.</td>
<td>LP</td>
</tr>
<tr>
<td>Northern Territory</td>
<td>Scullion, N. G.</td>
<td>CLP</td>
<td>Peris, N. M.</td>
<td>ALP</td>
</tr>
</tbody>
</table>

(1) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice R. Carr), pursuant to section 15 of the Constitution.

(2) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice J Faulkner), pursuant to section 15 of the Constitution.

(3) Chosen by the Australian Capital Territory Legislative Assembly to fill a casual vacancy (vice K. Lundy), pursuant to section 15 of the Constitution.

(4) Chosen by the Parliament of Queensland to fill a casual vacancy (vice B. Mason), pursuant to section 15 of the Constitution.

(5) Chosen by the Parliament of Tasmania to fill a casual vacancy (vice C. Milne), pursuant to section 15 of the Constitution.

(6) Chosen by the Parliament of South Australia to fill a casual vacancy (vice P Wright), pursuant to section 15 of the Constitution.
PARTY ABBREVIATIONS
AG—Australian Greens; ALP—Australian Labor Party;
AMEP—Australian Motoring Enthusiast Party; CLP—Country Liberal Party;
FFP—Family First Party; IND—Independent, LDP—Liberal Democratic Party;
LNP—Liberal National Party; LP—Liberal Party of Australia;
NATS—The Nationals; 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—R Stefanic
Parliamentary Budget Officer—P Bowen
<table>
<thead>
<tr>
<th>Title</th>
<th>Minister</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prime Minister</td>
<td>The Hon Malcolm Turnbull MP</td>
</tr>
<tr>
<td>Minister for Indigenous Affairs</td>
<td>Senator the Hon Nigel Scullion</td>
</tr>
<tr>
<td>Minister for Women</td>
<td>The Hon Michaelia Cash</td>
</tr>
<tr>
<td>Cabinet Secretary</td>
<td>Senator the Hon Arthur Sinodinos AO</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for the Public Service</td>
<td>Senator the Hon Michaelia Cash</td>
</tr>
<tr>
<td>Assistant Minister to the Prime Minister</td>
<td>The Hon Michael Keenan MP</td>
</tr>
<tr>
<td>Assistant Minister for Cities and Digital Transformation</td>
<td>The Hon Angus Taylor MP</td>
</tr>
<tr>
<td>Assistant Cabinet Secretary</td>
<td>The Hon Dr Peter Hendy MP</td>
</tr>
<tr>
<td>Deputy Prime Minister and Minister for Agriculture and Water Resources</td>
<td>The Hon Barnaby Joyce MP</td>
</tr>
<tr>
<td>Assistant Minister for Agriculture and Water Resources</td>
<td>Senator the Hon Anne Ruston</td>
</tr>
<tr>
<td>Assistant Minister to the Deputy Prime Minister</td>
<td>The Hon Keith Pitt MP</td>
</tr>
<tr>
<td>Minister for Foreign Affairs</td>
<td>The Hon Julie Bishop MP</td>
</tr>
<tr>
<td>Minister for Trade and Investment</td>
<td>The Hon Steve Ciobo MP</td>
</tr>
<tr>
<td>Minister for International Development and the Pacific</td>
<td>Senator the Hon Concetta Fierravanti-Wells</td>
</tr>
<tr>
<td>Minister for Tourism and International Education</td>
<td>Senator the Hon Richard Colbeck</td>
</tr>
<tr>
<td>Minister Assisting the Minister for Trade and Investment</td>
<td>Senator the Hon Richard Colbeck</td>
</tr>
<tr>
<td>Attorney-General</td>
<td>The Hon George Brandis QC</td>
</tr>
<tr>
<td>(Vice-President of the Executive Council)</td>
<td>The Hon Michael Keenan MP</td>
</tr>
<tr>
<td>(Leader of the Government in the Senate)</td>
<td></td>
</tr>
<tr>
<td>Minister for Justice</td>
<td></td>
</tr>
<tr>
<td>Treasurer</td>
<td>The Hon Scott Morrison MP</td>
</tr>
<tr>
<td>Minister for Small Business</td>
<td>The Hon Kelly O'Dwyer MP</td>
</tr>
<tr>
<td>Assistant Treasurer</td>
<td>The Hon Kelly O'Dwyer MP</td>
</tr>
<tr>
<td>Assistant Minister to the Treasurer</td>
<td>The Hon Alex Hawke MP</td>
</tr>
<tr>
<td>Minister for Finance</td>
<td>Senator the Hon Mathias Cormann</td>
</tr>
<tr>
<td>(Deputy Leader of Government in the Senate)</td>
<td>The Hon Mathias Cormann</td>
</tr>
<tr>
<td>Special Minister of State</td>
<td>The Hon Dr Peter Hendy MP</td>
</tr>
<tr>
<td>Assistant Minister for Finance</td>
<td></td>
</tr>
<tr>
<td>Minister for Regional Development</td>
<td>Senator the Hon Fiona Nash</td>
</tr>
<tr>
<td>Minister for Infrastructure and Transport</td>
<td>The Hon Darren Chester MP</td>
</tr>
<tr>
<td>(Deputy Leader of the House)</td>
<td></td>
</tr>
<tr>
<td>Minister for Major Projects, Territories and Local Government</td>
<td>The Hon Paul Fletcher MP</td>
</tr>
<tr>
<td>Minister for Industry, Innovation and Science</td>
<td>The Hon Christopher Pyne MP</td>
</tr>
<tr>
<td>(Leader of the House)</td>
<td></td>
</tr>
<tr>
<td>Minister for Resources, Energy and Northern Australia</td>
<td>The Hon Josh Frydenberg MP</td>
</tr>
<tr>
<td>Minister for Northern Australia</td>
<td>Senator the Hon Matt Canavan</td>
</tr>
<tr>
<td>Assistant Minister for Science</td>
<td>The Hon Karen Andrews MP</td>
</tr>
<tr>
<td>Assistant Minister for Innovation</td>
<td>The Hon Wyatt Roy MP</td>
</tr>
<tr>
<td>Minister for Immigration and Border Protection</td>
<td>The Hon Peter Dutton MP</td>
</tr>
<tr>
<td>Assistant Minister for Immigration</td>
<td>Senator the Hon James McGrath</td>
</tr>
<tr>
<td>Minister for the Environment</td>
<td>The Hon Greg Hunt MP</td>
</tr>
<tr>
<td>Minister for Health</td>
<td>The Hon Sussan Ley MP</td>
</tr>
<tr>
<td>Minister for Aged Care</td>
<td>The Hon Sussan Ley MP</td>
</tr>
<tr>
<td>Title</td>
<td>Minister</td>
</tr>
<tr>
<td>---------------------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Minister for Sport</strong></td>
<td>The Hon Sussan Ley MP</td>
</tr>
<tr>
<td><strong>Minister for Rural Health</strong></td>
<td>Senator the Hon Fiona Nash</td>
</tr>
<tr>
<td><strong>Assistant Minister for Health and Aged Care</strong></td>
<td>The Hon Ken Wyatt AM MP</td>
</tr>
<tr>
<td><strong>Minister for Defence</strong></td>
<td>Senator the Hon Marise Payne</td>
</tr>
<tr>
<td><strong>Minister for Veterans’ Affairs</strong></td>
<td>The Hon Dan Tehan MP</td>
</tr>
<tr>
<td><strong>Minister Assisting the Prime Minister for the Centenary of ANZAC</strong></td>
<td>The Hon Dan Tehan MP</td>
</tr>
<tr>
<td><strong>Minister for Defence Materiel</strong></td>
<td>The Hon Dan Tehan MP</td>
</tr>
<tr>
<td><strong>Assistant Minister for Defence</strong></td>
<td>The Hon Michael McCormack MP</td>
</tr>
<tr>
<td><strong>Minister for Communications</strong></td>
<td>Senator the Hon Mitch Fifield</td>
</tr>
<tr>
<td><strong>Minister for the Arts</strong></td>
<td>Senator the Hon Mitch Fifield</td>
</tr>
<tr>
<td>(Manager of Government Business in the Senate)</td>
<td></td>
</tr>
<tr>
<td><strong>Minister for Regional Communications</strong></td>
<td>Senator the Hon Fiona Nash</td>
</tr>
<tr>
<td><strong>Minister for Employment</strong></td>
<td>Senator the Hon Michaelia Cash</td>
</tr>
<tr>
<td><strong>Minister for Social Services</strong></td>
<td>The Hon Christian Porter MP</td>
</tr>
<tr>
<td><strong>Minister for Human Services</strong></td>
<td>The Hon Alan Tudge MP</td>
</tr>
<tr>
<td><strong>Assistant Minister for Disability Services</strong></td>
<td>The Hon Jane Prentice MP</td>
</tr>
<tr>
<td><strong>Assistant Minister for Multicultural Affairs</strong></td>
<td>The Hon Craig Laundy MP</td>
</tr>
<tr>
<td><strong>Minister for Education and Training</strong></td>
<td>Senator the Hon Simon Birmingham</td>
</tr>
<tr>
<td><strong>Minister for Vocational Education and Skills</strong></td>
<td>Senator the Hon Scott Ryan</td>
</tr>
<tr>
<td><strong>Minister for Tourism and International Education</strong></td>
<td>Senator the Hon Richard Colbeck</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. Assistant Ministers in italics are designated as Parliamentary Secretaries under the *Ministers of State Act 1952*. 
## 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><strong>Shadow Minister Assisting the Leader for Science</strong></td>
<td>Senator the Hon. Kim Carr</td>
</tr>
<tr>
<td><strong>Shadow Minister Assisting the Leader on State and Territory</strong></td>
<td>Senator Katy Gallagher*</td>
</tr>
<tr>
<td>Shadow Minister for Women</td>
<td>Senator Claire Gallagher*</td>
</tr>
<tr>
<td>Manager of Opposition Business (Senate)</td>
<td>Senator the Hon. Penny Wong</td>
</tr>
<tr>
<td>Shadow Cabinet Secretary</td>
<td>Senor the Hon. Jacinta Collins</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary to the Leader of the Opposition</td>
<td>Hon. Michael Danby MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary to the Leader of the Opposition</td>
<td>Hon. Ed Husic MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary Assisting with Digital Innovation and Startup</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary to the Leader of the Opposition</td>
<td>Senor Sam Dastyari</td>
</tr>
<tr>
<td>Deputy Manager of Opposition Business (Senate)</td>
<td>Terri Butler MP</td>
</tr>
<tr>
<td><strong>Deputy Leader of the Opposition</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Shadow Minister for Foreign Affairs and International Development</strong></td>
<td>Hon. Tanya Plibersek MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Foreign Affairs</td>
<td>Hon. Matt Thistlethwaite MP</td>
</tr>
<tr>
<td><strong>Leader of the Opposition in the Senate</strong></td>
<td>Senor the Hon. Penny Wong</td>
</tr>
<tr>
<td><strong>Shadow Minister for Trade and Investment</strong></td>
<td>Dr Jim Chalmers MP</td>
</tr>
<tr>
<td>Shadow Assistant Minister for Trade and Investment</td>
<td>Senor the Hon. Stephen Conroy</td>
</tr>
<tr>
<td><strong>Deputy Leader of the Opposition in the Senate</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Shadow Minister for Defence</strong></td>
<td>Hon. David Feeney MP</td>
</tr>
<tr>
<td>Shadow Assistant Minister for Defence</td>
<td>Hon. David Feeney MP</td>
</tr>
<tr>
<td>Shadow Minister for Veterans’ Affairs</td>
<td>Hon. David Feeney MP</td>
</tr>
<tr>
<td>Shadow Minister for the Centenary of ANZAC</td>
<td>Hon. David Feeney MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Defence</td>
<td>Gai Brodtmann MP</td>
</tr>
<tr>
<td><strong>Shadow Minister for Infrastructure and Transport</strong></td>
<td>Hon. Anthony Albanese MP</td>
</tr>
<tr>
<td>Shadow Minister for Cities</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Tourism</td>
<td></td>
</tr>
<tr>
<td><strong>Shadow Minister for Northern Australia</strong></td>
<td>Hon. Gary Gray AO MP</td>
</tr>
<tr>
<td>Shadow Minister for Regional Development and Local Government</td>
<td>Hon. Julie Collins MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Regional Development and Infrastructure</td>
<td>Hon. Alannah MacTiernan MP</td>
</tr>
<tr>
<td><strong>Shadow Minister for Western Australia</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Shadow Parliamentary Secretary for Northern Australia</strong></td>
<td>Hon. Warren Snowdon MP</td>
</tr>
<tr>
<td><strong>Shadow Parliamentary Secretary for External Territories</strong></td>
<td>Hon. Warren Snowdon MP</td>
</tr>
<tr>
<td><strong>Shadow Treasurer</strong></td>
<td>Hon. Chris Bowen MP</td>
</tr>
<tr>
<td><strong>Shadow Minister for Small Business</strong></td>
<td>Michelle Rowland MP</td>
</tr>
<tr>
<td>Shadow Assistant Treasurer</td>
<td>Hon. Dr Andrew Leigh MP</td>
</tr>
<tr>
<td>Shadow Minister for Competition</td>
<td>Dr Jim Chalmers MP</td>
</tr>
<tr>
<td><strong>Shadow Minister for Financial Services and Superannuation</strong></td>
<td>Hon. Ed Husic MP</td>
</tr>
<tr>
<td>Shadow Assistant Minister for Productivity</td>
<td>Julie Owens MP</td>
</tr>
<tr>
<td><strong>Shadow Parliamentary Secretary to the Shadow Treasurer</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Shadow Minister for Finance</strong></td>
<td>Hon. Tony Burke MP</td>
</tr>
<tr>
<td>Manager of Opposition Business (House)</td>
<td></td>
</tr>
</tbody>
</table>

vii
<table>
<thead>
<tr>
<th>TITLE</th>
<th>SHADOW MINISTER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shadow Special Minister of State</td>
<td>Hon. Gary Gray MP</td>
</tr>
<tr>
<td>Shadow Minister for Environment, Climate Change and Water</td>
<td>Hon. Mark Butler MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for the Environment, Climate</td>
<td>Senator the Hon. Lisa Singh</td>
</tr>
<tr>
<td>Change and Water</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Higher Education, Research, Innovation</td>
<td>Senator the Hon. Kim Carr</td>
</tr>
<tr>
<td>and Industry</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Vocational Education</td>
<td>Hon. Sharon Bird MP</td>
</tr>
<tr>
<td>Shadow Assistant Minister for Higher Education</td>
<td>Hon. Amanda Rishworth MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Manufacturing</td>
<td>Nick Champion MP</td>
</tr>
<tr>
<td>Shadow Minister for Communications</td>
<td>Hon. Jason Clare MP</td>
</tr>
<tr>
<td>Shadow Attorney-General</td>
<td>Hon. Mark Dreyfus QC MP</td>
</tr>
<tr>
<td>Shadow Minister for the Arts</td>
<td></td>
</tr>
<tr>
<td>Deputy Manager of Opposition Business (House)</td>
<td></td>
</tr>
<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>
<tr>
<td>Shadow Parliamentary Secretary for the Arts</td>
<td>Hon. Michael Danby MP</td>
</tr>
<tr>
<td>Shadow Minister for Education</td>
<td>Hon. Kate Ellis MP</td>
</tr>
<tr>
<td>Shadow Minister for Early Childhood</td>
<td>Hon. Amanda Rishworth MP</td>
</tr>
<tr>
<td>Shadow Assistant Minister for Education</td>
<td>Julie Owens MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Early Childhood Education</td>
<td>Senator Sam Dastyari</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for School Education and Youth</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Agriculture, Fisheries and Forestry</td>
<td>Hon. Joel Fitzgibbon MP</td>
</tr>
<tr>
<td>Shadow Minister for Rural Affairs</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Resources</td>
<td>Hon. Gary Gray AO MP</td>
</tr>
<tr>
<td>Shadow Minister for Health</td>
<td>Hon. Catherine King MP</td>
</tr>
<tr>
<td>Shadow Minister for Ageing</td>
<td>Hon. Shayne Neumann MP</td>
</tr>
<tr>
<td>Shadow Minister for Mental Health</td>
<td>Senator Katy Gallagher</td>
</tr>
<tr>
<td>Shadow Minister for Sport</td>
<td>Dr Jim Chalmers MP</td>
</tr>
<tr>
<td>Shadow Assistant Minister for Health</td>
<td>Stephen Jones MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Health</td>
<td>Tony Zappa MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Aged Care</td>
<td>Senator Helen Polley</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 Housing and Homelessness</td>
<td>Senator Katy Gallagher*</td>
</tr>
<tr>
<td>Shadow Minister for Human Services</td>
<td>Senator the Hon. Doug Cameron</td>
</tr>
<tr>
<td>Shadow Minister for Carers</td>
<td>Senator Claire Moore</td>
</tr>
<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 Parliamentary Secretary for Child Safety and Prevention</td>
<td>Terri Butler MP</td>
</tr>
<tr>
<td>of Family Violence</td>
<td></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 Parliamentary Secretary for Indigenous Affairs</td>
<td>Hon. Warren Snowdon MP</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>
Shadow Cabinet Ministers are shown in bold type.

* Senator Katy Gallagher’s appointment to the Shadow Ministry is effective from 1 November 2015. Senator the Hon. Jan McLucas will serve as Shadow Minister for Housing and Homelessness and Shadow Minister for Mental Health, and represent the Shadow Minister for Northern Australia, the Shadow Minister for Health, the Shadow Assistant Minister for Health, the Shadow Minister for Sport and the Shadow Minister for Indigenous Affairs in the Senate until 31 October 2015.
CONTENTS

THURSDAY, 25 FEBRUARY 2016

Chamber
DOCUMENTS—
Tabling ........................................................................................................................................ 1079
COMMITTEES—
Scrutiny of Government Budget Measures Select Committee—
Meeting ........................................................................................................................................ 1079
BILLS—
Migration Amendment (Protecting Babies Born in Australia) Bill 2014—
Second Reading ............................................................................................................................ 1079
Veterans’ Entitlements Amendment (Expanded Gold Card Access) Bill 2015—
Second Reading ............................................................................................................................ 1091
PETITIONS—
Australia US Alliance .................................................................................................................. 1107
Australia US Alliance ................................................................................................................ 1108
Live Animal Exports ..................................................................................................................... 1108
NOTICES—
Presentation .................................................................................................................................. 1108
Withdrawal .................................................................................................................................... 1111
COMMITTEES—
Selection of Bills Committee—
Report ........................................................................................................................................... 1111
BUSINESS—
Rearrangement ............................................................................................................................. 1129
BILLS—
Tax Laws Amendment (Small Business Restructure Roll-over) Bill 2016—
Second Reading ............................................................................................................................ 1129
QUESTIONS WITHOUT NOTICE—
Defence Procurement .................................................................................................................... 1143
Defence ......................................................................................................................................... 1145
Indigenous Affairs .......................................................................................................................... 1146
Defence ......................................................................................................................................... 1147
Climate Change .............................................................................................................................. 1147
Northern Australia ......................................................................................................................... 1149
Taxation ......................................................................................................................................... 1149
Defence ......................................................................................................................................... 1150
Defence White Paper....................................................................................................................... 1150
Taxation.......................................................................................................................................... 1151
Foreign Investment.......................................................................................................................... 1153
Defence White Paper ....................................................................................................................... 1154
Defence White Paper ....................................................................................................................... 1156
Media Ownership ........................................................................................................................... 1158
Defence White Paper ....................................................................................................................... 1159
STATEMENTS—
Northern Australia ......................................................................................................................... 1160
ANSWERS TO QUESTIONS ON NOTICE—
Question Nos 2642 and 2907 ........................................................................................................ 1161
## CONTENTS—continued

STATEMENTS—
  Fair Work Commission ........................................................................................................ 1161

ANSWERS TO QUESTIONS ON NOTICE—
  Nos 2896, 2897, 2898 and 2899 .................................................................................. 1162

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS—
  Indigenous Affairs ........................................................................................................... 1177

COMMITTEES—
  Report ................................................................................................................................ 1180

BUSINESS—
  Rearrangement ............................................................................................................... 1181

MOTIONS—
  Free Speech .................................................................................................................... 1181

COMMITTEES—
  Membership ...................................................................................................................... 1200
    Legal and Constitutional Affairs References Committee—
      Report ............................................................................................................................ 1201
    Community Affairs References Committee—
      Government Response to Report ........................................................................... 1205
    Economics References Committee—
      Report ............................................................................................................................ 1207
    Foreign Affairs, Defence and Trade References Committee—
      Report ............................................................................................................................ 1210
    National Broadband Network Select Committee .......................................................... 1212

DOCUMENTS—
  Consideration .................................................................................................................... 1216

ADJOURNMENT—
  Fall of Singapore: 74th Anniversary ............................................................................. 1218
  Education Funding ........................................................................................................... 1220
  Drugs in Sport ................................................................................................................... 1222

DOCUMENTS—
  Tabling ................................................................................................................................. 1224
  Tabling ................................................................................................................................. 1225
Thursday, 25 February 2016

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

DOCUMENTS

Tabling

The Clerk: Documents are tabled pursuant to statute. Details will be recorded in the Journals of the Senate and on the Dynamic Red. Details of the documents also appear at the end of today’s Hansard.

COMMITTEES

Scrutiny of Government Budget Measures Select Committee Meeting

The Clerk: A proposal to meet has been lodged for the Select Committee into the Scrutiny of Government Budget Measures for a public meeting during the sitting of the Senate on 1 March 2016, from 5 pm.

BILLS

Migration Amendment (Protecting Babies Born in Australia) Bill 2014 Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator HANSON-YOUNG (South Australia) (09:32): I rise today to speak to the bill, which amends the Australian law to allow babies who have been born to those seeking asylum, who have been born in Australian hospitals and who have been issued with Australian birth certificates to be able to stay in Australia and have claims for refugee protection to be assessed here. The reason we need this bill is that the current government is currently considering deporting 39 little babies back from Australia to Nauru to be banished from any opportunity to be awarded a safe and secure childhood and future here in Australia.

This bill would amend the Migration Act to make it very clear that babies born here in Australia—in Australian hospitals and issued with Australian birth certificates—are not to be classified as unauthorised maritime arrivals. The reason we need this is because the government last year, in the haste of a High Court proceeding, moved legislation in this place to classify any child born in these circumstances to be recognised and characterised in the Migration Act as an unauthorised maritime arrival. This is just absurd.

These children, safely born here in Australia, arrived just like every other Australian born baby. Currently in Australian law, they are now classified as unauthorised maritime arrivals. These babies arrived into the world safely here in Australia. They were born in the safety of Australian hospitals, with the care and support of Australian medical staff. The idea that they are characterised as arriving by sea is illogical and absurd. Just on those basic points, we need this legislation to amend this ridiculous situation that is currently on our statute books.
We know, of course, that the Australian public is very concerned right now for 39 babies—young children—who are in this situation, whose parents came to Australia by boat. They were transferred off to indefinite detention on Nauru. Because of a number of reasons, namely the lack of appropriate medical facilities and safe avenues for giving birth on Nauru, the mothers were transferred back to Australia and the babies were born here on Australian soil.

These children are now the subject of a huge political debate in this country. Malcolm Turnbull wants to send these children back to Nauru. The Australian people increasingly reject that proposition. Increasingly, people are arguing that surely an Australian baby, born here, should not just be given the opportunity to have a childhood free of the abuse of detention but also the opportunity—if they are indeed to be found in need of protection and they are refugees—to able to be assessed here efficiently and to be integrated safely in our communities. These children deserve the right to a childhood. I argue that there is no future for a child in detention on Nauru.

As I have said, there are 39 babies who are currently here in Australia. Thirty-seven of those were subject to the recent High Court legislation, and two are not. The fate of being deported back to Nauru faced them all. One of those little girls is Baby Asha, who we have learned a lot about in the last few weeks. She is a little girl who was born in Australia and sent back to Nauru. She has had to live the first six to eight months of her life in a tent in a detention camp on Nauru. Because of the unsafe environment and because the provisions provided to that family for their young daughter were nothing much more than a kettle inside a tent, that child has—as a result of an accident—had to be transferred back here to Australia for medical assistance.

Senator Ian Macdonald: Please tell the truth.

The DEPUTY PRESIDENT: Order!

Senator HANSON-YOUNG: That little girl deserves, now that she is in Australia, our protection, our help, our care and our support.

The other baby I want to mention in this debate today is a little girl who I am going to call Mia, for the sake of protection and privacy in this place; that is not her real name. Little Mia is now just four weeks old. She is the youngest and most recent child to be born in Australia who faces the fate of deportation back to Nauru. I met little Mia last Friday. She is in detention here in Australia with her family. As a little four-week-old baby she is incredibly small and underweight. Her mother is stressed, depressed and very anxious about the fate that awaits them in being sent back to Nauru. I told little Mia’s mother when I saw her on Friday that there are many Australians who will do everything they can to ensure that her little girl does not have to live her childhood in detention on Nauru.

This piece of legislation is part of the attempt to ensure that children and babies like Baby Asha and little Mia are able to stay safely in Australia while their parents’ refugee claims can be assessed efficiently and fairly. If they are found to be owed refugee protection they should be allowed to stay, and of course no-one is arguing that if somebody is not a refugee they should get to stay here. You assess their claims and process their applications and if they are not refugees then you send them home. But keeping a small child, born into this limbo of uncertainty, in the abuse of detention is simply inhumane and unconscionable. As we know, many experts have come forward publicly in various Senate inquiries in this place that are
continuing to gather more and more evidence. They speak out bravely about the conditions on Nauru for children, women and families being unsafe and dangerous. We know that Nauru is no safe place for these children, and we have a responsibility as Australian law-makers to ensure that we do not see a law that banishes a child, by virtue of who their parents are, to indefinite detention in a place that is now renowned for being abusive and dangerous and one that harms children.

It is indisputable that the detention of a child damages them. Every paediatric expert in this country who has visited Nauru and has treated children in detention knows that detention itself harms children. This is supported by the evidence collected by this Senate through its inquiry into the conditions in Nauru and the medical expertise and evidence put forward to the Human Rights Commission's report, _The forgotten children_. The immigration department's own Chief Medical Officer only two weeks ago said there was no doubt that detention is not good for children. The government's own advisers make it very clear that detention harms children.

In 2015 alone there were over 100 reported cases of self-harm on Nauru, including, sadly, children. Dozens of allegations were made in relation to sexual assault and abuse, including, sadly, towards children. And while we have these statistics—and these are of course the ones that have been reported—not one conviction has been made by the Nauruan police. So not only is it unsafe for these children, mothers and families to be in detention on Nauru but also there is no justice for them when something goes wrong. Of the children on Nauru, 50 per cent do not attend school. That is the evidence put forward by the department's own contractors at various Senate estimates and other inquiries.

It was interesting to read earlier this week some polling that was done in relation to Australians' attitudes to who they trust on this issue. Politicians and government officials are, not surprisingly, considered to be the least trustworthy when it comes to the issues facing children in detention. However, the people the public trust more than any others on this issue are the doctors—the medical experts. Overwhelmingly, the Australian public is starting to see that, if a doctor is saying that a child should not be sent to Nauru, it is about time the federal government listened.

Over the weekend, of course, we saw the President of the Australian Medical Association, Professor Brian Owler, be very clear in the AMA's condemnation of children being in detention and children being sent to detention on Nauru. The AMA has stated again that the detention of children is akin to state sanctioned child abuse. Those are incredibly strong words from that medical organisation.

Why do we have this situation where even Malcolm Turnbull, as the Prime Minister of this country, who said that no-one wants to see children in detention, is now turning a blind eye to the deportation of children back to Nauru and where children remain—a four-week-old baby girl remains—in detention? The reason is that those who support the detention of Baby Asha, little Mia and the 37 other babies born here in Australia, given Australian birth certificates but given no rights or compassion—the reason for their detention, for those who support it—is that we must do this in order to stop the boats. How absurd for a government to argue that, in order to stop the boats, we need to keep children locked in detention, in harm, in an abusive environment.
I do not believe at all that that is the only option available for saving lives at sea. If Malcolm Turnbull or anybody else in this government thinks that the Australian public and doctors are going to continue to buy the idea that we must harm these children and that their harm is simply collateral damage for a broader government policy, they are really misreading not just the complexities of this policy, not just the complexities of this issue, but the desire for compassion and care in the Australian people. It is not the only option. It is not the only way you protect people. And it is morally bankrupt to argue that a child deserves to be abused in order to protect other children. It is illogical; it is morally bankrupt; and the Australian public are waking up. They are absolutely waking up to this farce of an argument.

We do have the ability. This bill refers only to those babies born here in Australia. We have the ability to protect these children. If the argument is that giving four-week-old Baby Mia the opportunity to live a childhood free of detention, free of harm and free of abuse will open the floodgates to boats, if that is seriously the argument that this government wants to mount, it just proves how insincere, how blinded and how irresponsible this government really is. No-one can seriously argue about giving Baby Mia the opportunity of a childhood free of harm and free of abuse—that this child, who is already here in Australia, born in an Australian hospital, delivered by Australian doctors, should be classified as an arrival by sea. It is absurd. It is absolutely absurd.

There is a larger debate, of course, about what we do to ensure that the people who are detained on Nauru and Manus Island are looked after and that they are given the opportunity to have their claims assessed effectively, efficiently and with fairness and, if they are found to be refugees, given the opportunity of a future. That is a broader discussion and a broader debate, one that we must have in this place, but that is not what this bill today does.

This bill simply says that a child who is born in Australia in an Australian hospital is considered to be just like every other child delivered in the normal way and has the opportunity to have their claim assessed effectively, efficiently and with fairness and, if they are found to be refugees, given the opportunity of a future. People may argue, and the government will—Senator Macdonald stand up shortly and say—that, if we give Baby Asha or Baby Mia the opportunity of a childhood, that will send a signal to people smugglers. That is what the government will say.

If you as a government cannot find a better way of managing people smugglers than abusing children, get out of the way and let some other people get on with doing it properly. It is absolutely unconscionable that we abuse children in order to allow the government to stand in front of a sign that says they stop the boats.

**Senator IAN MACDONALD** (Queensland) (09:51): I do not think too many people will be listening to this debate but I do see some children in the gallery who may have been influenced by Senator Hanson-Young's penchant for and ability with emotive words. I say to young people and those who are listening that almost everything Senator Hanson-Young said was wrong, a mistruth and a misinformation of the actual facts.

I want to make a few comments on the Migration Amendment (Protecting Babies Born in Australia) Bill 2014. I think for a start the bill is wrongly titled. It should be the 'Migration Amendment (Supporting the Business of Criminal People Smugglers) Bill 2014 because that is what this—and the way Senator Hanson-Young carries on—does. It gives the criminal people smugglers, who have been put out of business by the coalition government, some hope that their lucrative business will return. We heard in evidence at a Senate inquiry recently that
the price being paid to criminal people smugglers to get into Australia is four times the average annual income of a person of that country. Huge amounts of money are being paid to criminal people smugglers to get illegally across Australia's borders and into this country.

That last speech was full of racial and racist overtones to a degree that I have never really experienced in this place. Senator Hanson-Young is suggesting that just because the people of Nauru do not live in the leafy suburbs of Adelaide, as Senator Hanson-Young has done, and just because they do not have private wealthy schools to go to, like Senator Hanson-Young did, these Nauruans are second-class people. The people of Nauru live in their country in a civilised way. They have many facilities and services. They are safe and they are secure. Since the Labor government reopened Nauru and arranged for transferees to be sent there the Australian taxpayer has put an enormous amount of money into schools and hospitals in Nauru for the benefit of all Nauruans and all those who live there.

Senator Hanson-Young kept talking about detention centres. She knows, as well as I do but chooses to misrepresent this, that there is no detention centre on Nauru. On Nauru it is an open gate place where people can come and go as they please. Nauru has very good hospitals that are continually improved by the Australian taxpayer. It is an open facility. Transferees are not held there in detention. Yet Senator Hanson-Young said—what?—10 times in her speech that they were in detention. She knows that is wrong because she has sat in the same estimates committees where people have been questioned and have told the truth.

Transferees on Nauru have access to the modern medical clinics that were recently built for $11 million. Care is provided. Senator Hanson-Young said that they get no care from Australian doctors and nurses. Well they do get care from Nauruan doctors and nurses and Australian doctors and nurses who are there. What Senator Hanson-Young has been claiming is completely false. Care is provided by general practitioners, registered nurses, psychologists and counsellors. Surgery is available there. Transferees at the Nauru Hospital have access to that. All children in Nauru, both those of transferees and local children, have access to education services through the Nauru education system.

Senator Hanson-Young may point at the Republic of Nauru and say that they are second-class citizens, but I do not believe that. The people of Nauru live there and have lived there happily as civilised human beings for a long time now. Transferees have access to a full range of programs and activities, including English language classes. They have regular communications and access to the internet, which I might say the Australian taxpayer pays for. There is significant scrutiny and independent oversight into conditions and treatment of transferees in Nauru and other regional processing countries.

Senator Hanson-Young had so many mistruths in her contribution that it would take me much longer than I have got to go through them all. One thing Senator Hanson-Young said was that there have been no convictions by the Nauruan police. Sorry, but the Nauruan police are well trained. They are as good as Australian police officers. To suggest otherwise is the sort of racist comment that you would not expect to hear in this chamber. Why haven't there been convictions? Perhaps it is because the police have done their job. They have interviewed witnesses and looked around for evidence. Perhaps the real fact is that there has been no credible evidence of the sorts of illegal acts that Senator Hanson-Young talks about.

Again Senator Hanson-Young made some emotive comments about Baby Asha and Baby Mia. I do not know how Baby Asha happened to be in the condition she was in, but I saw in
yesterday's *Courier-Mail* that the police have interviewed the mother in regard to the harm suffered by the child. There were comments by some refugee people asking why the father had not been interviewed by the Queensland police. Of course, the Queensland police are unable to do anything because it was an incident that happened not in Queensland but in another sovereign country—that is, Nauru. I see from reading *The Courier-Mail*—and I do not know what the facts are—that the Queensland police have sent a report to the Nauruan police about how the baby came to have those injuries.

Senator Hanson-Young said that the mother was stressed, depressed and anxious. Well, Senator Hanson-Young, you do not think it is because these people allegedly came from a war-torn country where their life, health and liberty were at risk in the country of their origin? You do not think that might have contributed to her stress and anxiety? Not only were they apparently in this war-torn country where they were under severe stress from the danger of being imprisoned or killed, but then they paid a lot of money—I do not know where they get the money, but they got a lot of money: as I say, four times the average annual income—to pay to a people smuggler. They have to find a lot of money. Who knows where they get that from? But perhaps that causes some stress. They then have to take the arduous journey from their country in an aeroplane—a commercial airliner. Who pays for that I do not know. It is not cheap. As those of us who travel know, it is not cheap to travel internationally. They get to Indonesia. They then pay the criminal people smugglers four times the average annual income to try to get into Australia. So you do not think those sorts of things might cause some stress and some anxiety to the mother, and not the fact that they are now living in a safe and secure place in Nauru?

Again I say: those of us with racist tendencies here might say that Nauru is a subculture or a second-class nation. I do not say that. I say that the transferees who are there, who apparently feared for their life and their safety in their country of origin, are now in the Republic of Nauru, where they do not fear for their life or safety. They have health and medical services that, I will guarantee, they never had access to in their country of origin. So you just have to put a bit of reality and truth into this debate.

Senator Hanson-Young says many experts have given evidence to the Senate committees. Well, they have, and Senator Hanson-Young attends most of them. I happen to attend all of them, because I am chairman of that committee and I have to. But we find, when you get the real evidence and it is questioned by senators, that a lot of the rhetoric that Senator Hanson-Young, the Fairfax press and the ABC go on with is simply lies. Remember a few weeks ago there was the five-year-old child who had been raped? Remember that? It ran in every news bulletin on the ABC, the Fairfax press made a big thing of it, and Senator Hanson-Young did not make a speech where she did not mention it. Of course, when we had the right people there to ask, they showed in just one sentence that that was wrong, inaccurate, a misstatement of the facts and completely erroneous. For someone like me, who because of my role as chairman of this committee has to sit through all this evidence, I have to say that is the norm, not the emotive language and the emotive mistruths that Senator Hanson-Young and the ABC tell about these sorts of activities.

If we are interested in the safety of refugees, which we all are, and we know that they come from a country which is war torn and where they are under threat to life and liberty, then ask this question of yourself: would it be better to live in those countries or go to a place like
Nauru, where there is safety, there is security, there are schools, there are hospitals and there is someone providing food and clothing for those people? Where would those refugees rather be? Back in their home of origin or on Nauru, where they are safe and protected? As I say, I find it racist in the extreme to allege that Nauru is somehow a second-rate country which does not have decent policemen, decent doctors, decent schools and good and health and education facilities.

I started my contribution by saying the bill was wrongly named. It should have been named the Encouragement of the Business of Criminal People Smugglers Bill. Let me just give you the facts of this. There were a lot of children in detention during the Labor regime in this country, which the Greens supported. At the height of Labor's policy failure in 2013, there were 10,000 people held in detention, including 1,992 children. The Labor government was forced to open 17 new detention centres to deal with this influx of illegal arrivals. This, of course, resulted in the taxpayers having to fork out an additional $11 billion in border protection funding. The coalition government came back to power, and we have returned the situation to where it was in the Howard years. There have been over 500 days now without the arrival of an illegal boats. There have been zero deaths at sea, compared with 1,200 deaths that we know of under the former regime. We know of 1,200 deaths; we suspect there were a lot more than that. At the moment, because we have taken the people smugglers' business away, people are not getting on leaky boats and making these dangerous journeys, and as a result of that there have been no deaths at sea.

Senator Hanson-Young keeps talking about children in detention. As I say, she was not so concerned when 1,992 children were in detention in the Labor years. There are now, Mr Acting Deputy President—and I want you to listen to this—80 children in detention, and most of them are there because their parents are still under some investigation. That is why they are there. It is this government's intention and goal to get rid of all of the children out of detention, and we will do that.

Senator Hanson-Young: You're a liar.

Senator IAN MACDONALD: Senator Hanson-Young—apart from the unparliamentary expletives, which I do not worry about coming from her. We will get the children out of detention. But where was Senator Hanson-Young when 1,992 children were in detention? Where was the Human Rights Commission when there were almost 2,000 in detention? Sure, it is a big thing now that we have got rid of most of them and only have 80 left, and we are going to get rid of them. But I wonder about the honesty and sincerity of those who would criticise our government for having 80 children in detention when, under a previous government, there were almost 2,000.

Under all governments, Australia has had a very proud record in taking in refugees. Per capita, we have one of the highest refugee intakes of any nation in the world. Last year, the coalition government announced a very generous humanitarian response to the Syrian crisis, which includes 12,000 permanent places for Syrians and Iraqis, particularly those in oppressed minorities. We have increased humanitarian assistance. We will be assisting over 240,000 displaced people affected by the conflict in Syria and Iraq. So we have nothing to be ashamed of. In fact, as a nation, we have everything to be proud of in our record in looking after and assisting refugees.
I emphasise that these are the coalition’s policies. However, to give credit where credit is due, the Labor Party, although they are pretty slow learners, eventually understood that you have to address the problem at its root. Although I did not have a lot of time for Mr Rudd, at least he, when approaching an election, made the call that they had to go back to the policies that actually worked. Of course, it was Mr Rudd who did the deals with Nauru and Papua New Guinea for the current arrangements. Time and time again, officials have told me at estimates that, because those arrangements were put in place in such a rushed way, there were things that were not properly addressed—things that would have been properly addressed had they been done more calmly. But, as I said, credit where credit is due. Labor at last woke up to the fact that you need to address the problem at its source. That has saved the lives of so many people and will continue to do so.

I again ask the question: if it is unsafe in your own country of origin, if your life and liberty are at threat, what is better: staying there or going to a place like Nauru? Nauru is a place with health services, education services and a police force. I notice a headline in The Age—the article itself did not actually refer to this further—likened Nauru to a Nazi gulag. I understand that the centre on Nauru is now an open centre. Nobody is restricted there; they can come and go as they like. There are now lifeguards on the beach at Nauru. There are playgrounds. According to officials who gave evidence last week, most of these transferees are now housed in hard-walled accommodation. Senator Hanson-Young would have you believe that everyone is living in a scouting tent or something. That is simply wrong and untrue, and she knows that, because she heard the officials say that most of the transferees are now in what they call hard-walled accommodation. It is three-bedroom, air-conditioned accommodation with a separate bathroom, separate lounge and dining rooms and a separate kitchen. I have to say it is a standard of accommodation that many Australians who pay their taxes to support our border protection policies do not have themselves. They are three-bedroom, air-conditioned units. Many Australians do not have that, but the evidence shows that these transferees on Nauru have that sort of accommodation, not the flimsy tents that Senator Hanson-Young would have you believe. This debate needs some reality and truth. I hope I have been able to indicate in some way what the real facts are on Nauru.
abysmally to develop a meaningful plan for resettlement. Its most notable achievement has been to waste $55 million on a botched deal with Cambodia, which I understand has seen four people moved to Cambodia. Apologies—it is not four; it is three, which is a remarkable productivity spend, isn’t it? During the past two years, there have also been media reports that the government has held talks with authorities in the Philippines and Kyrgyzstan. All the while, asylum seekers are languishing in detention centres on Nauru and/or Manus Island.

A Labor government would make working with the UNHCR its priority in devising a resettlement plan. Labor would increase Australia’s funding of the UNHCR to $450 million over four years, making this country one of the top five contributors to the agency. A Labor government would take the initiative of forging an agreement with countries in the region to deal with the flows of displaced persons in a humane way because we are willing to take a comprehensive approach to the plight of asylum seekers—a problem which will not be resolved in any other way. It will not be resolved by leaving people in permanent limbo under offshore processing arrangements. It will not be resolved by a piecemeal approach either. The actions that this government has pursued are not driven by compassion and there is no due regard for their unintended consequences.

This bill, the Migration Amendment (Protecting Babies Born in Australia) Bill 2014, has not been to the Labor Party caucus because it was introduced very late in the piece, but I can comment in general terms on the principles that underpin our approach on these issues. I might deal firstly with the essential point of the bill, which is to amend the Migration Act so that a child born in Australia to asylum-seeker parents could not be classified as an unauthorised maritime arrival, to be sent offshore to a detention facility. The proposed change departs from the principle that Labor has consistently upheld—that is, that children should inherit the immigration status of their parents. This means that, if a parent is defined as an unauthorised maritime arrival, then it is appropriate that their children, wherever they are born, have the same status. The principle applies throughout the immigration scheme, with a single exception: a child born in Australia to a permanent resident becomes an Australian citizen. The reason for this principle is considered important, in that it ensures that family members will not be separated because they have different immigration statuses. We do not want to create a system whereby a particular group of people are given preference or treated differently, and adhering to this principle is entirely consistent with upholding and respecting the rights of children.

The title of this bill, I would suggest to its proponent, Senator Hanson-Young, is in fact misleading. Labor has always argued that children should be protected from abuse and other potential harm. But according them full protection has not hitherto been understood to require giving them a different immigration status from their parents, and no-one wants to see children in detention.

That is why Labor are urging the government to continue the work we began in government to move families out of detention and into the community as soon as humanly practicable. We absolutely support the principle that children should not be in detention for as long as that takes or, for that matter, any longer than is required for the necessary health, identity and security checks. It is important that families be kept together wherever possible. That of course means ensuring that asylum claims are processed quickly so that no-one has to languish in these facilities indefinitely, without hope of resettlement. And, while children are
in detention, awaiting processing, appropriate care must be provided to ensure their physical and emotional wellbeing. They must have access to the best health care, to education and to social support services. While Labor have supported offshore processing, we have never, ever supported the brutalisation of people as an act of deterrence, and we have certainly maintained that position throughout this whole conversation. People are entitled to live in safety, and the government must ensure that their safety is not threatened. It is shameful that the government has so often failed in this regard.

It is simply unacceptable that the government still refuses to allow transparency and independent oversight of Australian managed, Australian funded offshore facilities. Australians should know what is being done in their name and how their taxes are being spent.

Labor is committed to protecting the interests of children within the immigration system and to institute a strong, independent voice to advocate for the interests of children who are seeking asylum. The Labor Party, at its conference last year, resolved that a Labor government would appoint such an advocate, who would be independent of the Department of Immigration and Border Protection. This children's advocate would be given whatever resources or statutory powers are necessary to be able to do the job and to pursue the best interests of asylum-seeking children. These powers would include being able to initiate court proceedings on a child's behalf. This change would not restrict the ability of other interested parties to take court action against government decisions—nor would it reduce the minister's obligations in regard to unaccompanied noncitizen children. The independent children's advocate would also have access to all unaccompanied minors in detention and in the community to ensure that their rights are protected.

Labor recently supported legislation in this place that would have the effect of removing children from detention within 30 days. We supported this with certain caveats, including a requirement that the bill be returned to the House of Representatives for a vote early this year. That means the Turnbull government is facing a moment of truth. The way the government votes when this bill is presented to the House will be a clear indication of where it stands on the treatment of children in detention. If the government really wants to remove children from detention as soon as humanly possible, it should support that bill.

But under this government there has been a very sharp demarcation between what we what told we were going to get under Mr Turnbull and what has actually happened. The Abbott government's hard-edged, backward-looking, reactionary views were well known. They dominated, they characterised, the work of the government. Mr Turnbull, on the other hand, has a carefully cultivated image as a man who is tolerant, who is urbane, who is interested in the big questions of our time, who is a policy moderniser, as he said. We have seen Mr Turnbull, for years, try to kid people that he was different from the right wing of his own party, that he was perhaps intellectually superior to the right wing of his party and, more recently, that he was a champion of new politics. Remember all that, the new politics that we were going to get? He told us that things would now be different and that the future was about a new style, a new Zeitgeist. I remember when he criticised the Vice-Chancellor of Melbourne University because he was not bouncy enough in his optimism. We now know that the approach that Mr Turnbull took has been a fraud—a complete fraud. This broad, intelligent, public face of inclusion has been demonstrated to be a farce. On so many issues,
whether it is refugees, same-sex marriage, climate change, the republic, tax or social justice, what do we see? We see a Prime Minister who is missing in action. We see a Prime Minister who has abandoned all the things that he carefully cultivated about being the new man in politics and who has resorted to the old politics which have dominated conservatives in this country for so long.

We now know that even the strongest conservative urgers and barrackers in the financial press, in intellectual circles and amongst the shock jocks are now questioning, in a fundamental way, what this government is all about. In fact, The Australian Financial Review asked the question on 8 February in its editorial: what is the point? What is the point of Malcolm Turnbull's government?

I was surprised to see that the flag carriers for conservatism in The Australian were offering the ultimate insult to the Turnbull government by suggesting that the Malcolm of today should not be confused with the other Malcolm—Malcolm Fraser. There could be no greater insult in the conservative lexicon than to suggest that someone is like Malcolm Fraser. He was a person that missed opportunities, and they are now saying that that is exactly what Malcolm Turnbull is all about.

We know that Malcolm Turnbull has made a great claim of being a new man. We fully appreciate—and what is becoming increasingly clear—that he is an expert when it comes to the politics of fraud. But now that the public is waking up to it, he is panicking. Deep panic has been running through this government because he knows that he has been found out. He is a waffler and he has been found out to be a person who is, essentially, a placeholder as a Prime Minister. He wants us to gaze upon his magnificence, but he is really doing nothing. It provides an excuse for him to tread water and allows him to be a blowhard. He is desperately in search of an electoral strategy but not a strategy to transform this country. He has no clear view about the future of this country other than high-blown rhetoric which is not backed up with action.

He has now committed himself to the policies of his predecessor in all the areas that I have mentioned, whether it be the treatment of refugees, social inclusion, social justice, climate change issues, science or the importance of new knowledge needed to understand the great problems of our age. On the republic and same-sex marriage it is a complete joke. There could be no more obvious example of it than his attitude, where he has no policy framework, on taxation or a capacity to lead this country forward. So he is now hysterical about the fact that Australians have woken up to his smarmy waffle. The high hopes that somehow politics would be different have now been discovered to be a fraud. We now have a government that is essentially adrift. It is desperately in search of the next polling report so that it can seek some sort of election strategy rather than attempt to deal with the fundamental questions that this country faces.

I am concerned that this government, when it comes to questions such as those raised in this bill, needs to look for new approaches that go to the heart of the issue. There are people who are being taken into custody by Australian authorities under Australian law and who have been left to languish without any serious effort by government to do anything about their plight. We recently introduced a private member's bill to impose mandatory reporting of child abuse and to force the government to reconsider the approach that we are taking about people
who are in facilities funded by the Australian government. The need to amend the Migration Act to impose an unequivocal obligation on staff and contractors in detention facilities to notify Border Force commissioners of child abuse is one such measure that can be taken to improve and make humane the administration of policies in this area. The government has to manage these programs much more effectively than it has. The government has to be committed to ensuring the humane treatment of people that are in our care. It is simply not satisfactory to allow the dehumanisation and brutalisation of people to be used as a policy weapon, as an act of deterrence, against people.

There can be no question at all that, when it comes to the issue of people being put in the hands of people smugglers, there is no compassion in encouraging people to face the dangers of the sea as an act of desperation. Labor's policy is one of fairness and compassion. It is one that reflects the realities of the situation but acknowledges that we do have obligations to treat people properly and ensure that we do not have brutalisation of people in our care. We must make sure that these fundamental rights are protected. While we are not likely to follow the same position of the Greens, who do not recognise the realities of what is happening with these people-smuggling syndicates, we are not going to support policies that allow the brutalisation of people that are in detention as a result of the laws of this parliament.

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (10:30): I move:

That the question be now put.

The ACTING DEPUTY PRESIDENT (Senator Ketter): The question is that the question be now put.

The Senate divided. [10:34]

The Acting Deputy President—Senator Ketter

Ayes.................14
Noes..................28
Majority..............14

AYES

Di Natale, R
Lambie, J
Ludlam, S
McKim, NJ
Rice, J
Simms, RA
Waters, LJ

Hanson-Young, SC
Lazarus, GP
Madigan, JJ
Rhiannon, L
Siewert, R (teller)
Wang, Z
Whish-Wilson, PS

NOES

Abetz, E
Bushby, DC
Carr, KJ
Gallacher, AM
Ketter, CR
Ludwig, JW
Marshall, GM
McEwen, A

Bullock, JW
Cameron, DN
Cash, MC
Gallagher, KR
Lindgren, JM
Macdonald, ID
McAllister, J
McKenzie, B
Senator LAMBIE (Tasmania) (10:37): I rise to begin the debate today on my private member's bill that I introduced to parliament last year on Remembrance Day. It is called the Veterans' Entitlements Amendment (Expanded Gold Card Access) Bill 2015. As the name implies, it gives our veterans—including peacemakers and peacekeepers as well as federal police who have served in war or war like conditions—automatic access to the best medical care Australia can offer, through the gold card system.

Unfortunately, it is my suspicion, after informal and formal talks with the Liberal and Labor parties, that neither will be supporting this legislation. This makes me feel very sad, frustrated and angry, because, if passed, this bill would force this parliament to make simple changes to our laws, which would meaningfully limit the numbers of Australia's veterans who commit suicide. I have to congratulate the Greens on supporting my legislation. We may disagree on other matters, but it is only right to congratulate and thank the Greens for supporting me on this issue.

It comes as no shock that if I were granted one wish and given a choice of having one bill passed by this parliament—while there are many that would tempt me—this would be the bill that I would choose. I would choose this bill because I believe in every fibre of my being that this bill—with its provision which automatically expands gold health card access to all veterans—will save the lives of hundreds of Australian soldiers, peacemakers, peacekeepers and Federal Police officers who have placed themselves in war or warlike conditions for this country.

If this bill does not pass this house, I am convinced that we will continue to lose hundreds of veterans to suicide—at a frightening, alarming rate. The unofficial number of veterans who committed suicide over the last decade and a half is about 241. When you reflect on the fact that the total of those Australians who died in combat overseas over the last 15 years is approximately 49 and the total number of Australian former diggers who committed suicide is 241, the enormity and weight of the tragedy sinks in and causes in me a terrible dread. These deaths are avoidable, because a bureaucratic fight with the Department of Veterans' Affairs to obtain the benefits and services of a health gold card is responsible for killing our very own veterans and carving a trail of destruction through their families and friends.
Few people understand the physical and psychological pressures that a professional soldier is placed under, let alone the psychological and physical cost of serving in war or warlike conditions. Perhaps professional athletes who are pushed to their psychological and physical breaking limits daily for years have an appreciation for the strength and endurance a soldier in our modern Army requires. The average Army grunt’s body is ruined after about six to eight years of carrying packs, arms and ammunition.

There is a quote attributed to George Orwell which reads:

People sleep peaceably in their beds at night only because rough men stand ready to do violence on their behalf.

Well the only change I would make to that statement to keep it from breaching sexual discrimination rules of 2016 is to say, ‘People sleep peaceably in their beds at night only because rough men and women stand ready to do violence on their behalf.’ Acting Deputy President Ketter, put simply, and using Orwellian words, if you and I are to keep sleeping peacefully in our beds then our ADF will need to take Australian men and women, train them in the dark arts of combat and roughen them up a bit. I understand this reality because I have been through the official roughening up process, starting with basic training at Kapooka. But most Australians probably do not understand the ADF’s training process, which, if not managed properly, can lead to learned helplessness and injuries just as severe and horrific as war.

The Australian Defence Force is damaging its members, discharging them, wiping their hands of them, failing to care for them, and passing them over to the Department of Veterans’ Affairs where the bureaucratic nightmare and further harm and damage happens. This is not a lie. This is a fact borne by the evidence that, to date, 241 veterans have killed themselves in the space of 15 years, and that shameful fact has been officially covered up by successive governments, who refuse to acknowledge this awful truth. The fact is proved by the hundreds of homeless veterans sleeping rough every night in this country. The fact is proved by the broken veterans who end up in our jails in this country.

The Department of Veterans’ Affairs is a very dangerous place for our diggers, especially those who have served overseas in war or warlike conditions. Why do those diggers have to fight for the best medical care that this country has to offer? Put aside the petty legal arguments and the misleading financial arguments the government and Labor party will offer in this debate. Doesn’t Australia have a moral duty to provide the best medical care to its citizens who signed an agreement to die for their country in its defence? Why can’t those diggers who have been to war for us ring up or email the Department of Veterans’ Affairs and say, ‘G’day, Veterans’ Affairs, I’m Stan Smith. I served in a peacekeeping mission. Here’s my official service number. I’ll email you my discharge certificate. Now I’d like my health gold card in a week’s time because I’ve got some serious health issues that me and my family have to deal with very quickly, because I can’t afford financially, psychologically or physically to go on a waiting list or to go into battle with my own? Why would you even contemplate making a veteran who put themselves in harm’s way on multiple tours fight to obtain a gold card?

It takes a special kind of sadistic, callous and ungrateful bastard to put a veteran through a paperwork hell just so they can access proper, timely and affordable health treatment. And the really disappointing fact is that within the walls of this building there seems to be an unending
supply of those kinds of people, who have made their way to positions of power and influence.

That is why we need this law passed which will put in our law the automatic right for you, our vets, to access the best medical care Australia has to offer if you have served in war or warlike conditions. You will not have to submit to the degrading assessment process where untrained and unqualified bureaucrats interpret complex medical reports, play God and decide whether your injury warrants enough points to make the grade. And then, if they do not like you, they will hire investigators—private eyes—to follow you and secretly film you, and drag out your appeals in courts and tribunals for as long as possible and at as much cost as possible to you, the veteran or discharged digger.

I speak with some authority when I describe the incompetent actions of the Department of Veterans' Affairs. I fought a long legal battle, which I won—but only after huge financial, physical and psychological cost to me, my sons, my family and my mates. I should congratulate the department, because if it were not for their predatory, callous, unfair, unjust and unreasonable behaviour towards me then I would never have found the strength, the courage and good fortune to have won a seat in this place.

I will not go into the detail of my battle with DVA. I will leave that to another time, because it would distract from the bill's main purpose: to help those who have served in war or warlike conditions. I did not serve in those conditions.

However, one important consequence of passing this bill will be that veterans will spend less time in places like the Administrative Appeals Tribunal fighting appeals with the Department of Veterans' Affairs. The bill may help some veterans avoid one very nasty side-effect of exercising your right to appeal a DVA decision in the AAT, which is this: because the Administrative Appeals Tribunal is a court, when information is presented to a court it then becomes public property and is available for public scrutiny. That is to be expected in a democratic system. However, what I found is that, if the tribunal chair takes a very broad, liberal view on what personal medical information should and should not be made public, veterans could find themselves—as I recently found myself—fighting a major media organisation which did not only want to see the medical information directly relevant to my medical injuries associated with my claim, but used a loophole in the Administrative Appeals Tribunal laws to go on a fishing expedition, helped by extraordinary rulings by Deputy President of the Administrative Appeals Tribunal Greg Melick, who is also a very senior officer, a major general, in order to access just about every private medical record I have.

I have made known, publicly, my battles with depression and mental illness during my journey with the Department of Veterans' Affairs—a battle which was largely caused by the dysfunction and corruption in that department. I have been very open about my past medical conditions, which I have managed to get on top of. But I have just had to spend $30,000 in legal fees fighting Rupert Murdoch, who exploited a loophole in our DVA appeal system so that he could sell newspapers with all my private medical records splashed across their pages. And, under the current Veterans' Affairs appeal system, it did not cost Rupert's reporter a cent to carry out that legal action—not one cent.

I have recovered, with new medical treatment, and have become more much more resilient, compared with the dark days where depression and chronic pain became unbearable. I never had any faith in or respect for Rupert Murdoch's ethics or morals, which have always floated
along in the gutter of Australian political and cultural life—so that belief has remained unshaken. However, my fight to keep some privacy for my medical records has deeply shaken my faith in the Department of Veterans' Affairs appeals system. I would hate for any unsuspecting veteran who may be targeted by a media organisation or entity to have to go through the fight I had to go through to keep medical records, non-relevant to an AAT decision, private.

I also find it incredible that the Administrative Appeals Tribunal commissioners can also be part-time Australian Defence Force legal officers. How can serving senior military officers, as is Deputy President and Major General Melick, be involved in judicial decision-making about former members of the military? This is, at the very least, a very clear conflict of interest and, therefore, possible corruption, which I hope the Attorney-General will address. Given my high-profile campaign against senior officers of the Australian military who have stood by for decades and allowed paedophiles and rapists to remain in the ranks while sacking others for just receiving, not opening, emails with dirty pictures attached, any reasonable person can see there is the distinct possibility that a motive exists for a still-serving, elite, Australian Defence Force senior legal officer, Major General Melick, to be involved with a biased decision when it comes to the release of all my most private medical records to the media.

This is what my lawyer had to say, in part, about this extraordinary chain of events put in place by a Murdoch media reporter and the Australian Defence Force senior legal officer Major General Melick:

Background.

1.1 The application was made by Mr Owen, journalist with the "Australian" Newspaper pursuant to section 35 of the AAT Act that, essentially allowed for him (i.e. a non-party to access all material regarding your previous AAT case that was the subject of a written decision on the 13th of April 2006.

1.2 The application was made under section 35 of the AAT Act that essentially allowed for the journalist to obtain all the documents including the evidence that was given before the AAT including documents lodged that may or may not have been referred to in the decision.

1.3 When the Application was made by Mr Owen, the AAT's initial response on the 1st of December 2014 was:

"Please find enclosed for your information, a request by a non-party for access to Tribunal documents. The request has been referred to Deputy President (DP) Melick for his consideration and DP Melick has indicated that his preliminary view is that as there was a substantive hearing with respect to these applications, the non-party is entitled to access the following documents;

• the application for review
  > any document received in evidence by the Tribunal
• other key documents that were before the Tribunal such as statements of facts, issues and contention and submissions
• a transcript of the hearing
• the Tribunal's decision and, if available, the Tribunal's reasons for decision

DP Melick has indicated that before he makes a decision on this request, he will seek the views of the parties involved and in particular whether the documents contain information that they believe should be protected by a confidentiality order.

CHAMBER
1.4 By letter dated 10th December 2014 (Attached) we outlined to the AAT why the proposed release of all of the above documents was clearly a response to an ambit claim i.e. for your whole file including all documents and exhibits as it would allow someone who was not a party to your case to receive documents that were not within the public domain, documents covered by legal professional privilege, full medical reports and medical records, evidence that had been disallowed by the tribunal and the substantial breach of your privacy.

1.6 We outlined our concerns to the AAT by letter dated 5th of February 2015 (Attached) in respect to not releasing documents on grounds of personal information and that we objected to the release of all information as it was obviously was medical in confidence, legal professional privilege and an unreasonable disclosure of personal information and so forth.

1.8 Additionally we outlined in writing that using the AAT’s own Privacy Policy that it would not disclose or use personal information unless you had consented, it was reasonable to expect and of the AAT to not use or disclose the information for that other purpose i.e. to give it to a journalist which was not relevant or any of the other grounds contained within the AAT's privacy policy.

3. AAT Outcome

3.1 The attempt by a non-party i.e. a journalist to go on a fishing expedition for the documents exposed a substantial anomaly that exists between your right as an individual to have information that would otherwise have not been disclosed pursuant to the Freedom of information act and the Privacy act that was not exempt from those privacy position provisions because of the operation of the AAT Act as the AAT is exempt by the FOI act.

3.2 The AAT however has its own Privacy Policy that purports to protect personal information; however it has been at a substantial experience to you that, in all the circumstances was unreasonable for you to incur.

3.3 We confirm that, counsel's fees totalled $16,912.50 and our fees including our attendance at the first day's hearing in Hobart and 12 hours of preparation and attendance with counsel totalled $12,462.00.

3.4 You were therefore liable to pay approximately $30,000 for an AAT application by journalist that, if made pursuant to the FOI act would not have required you to incur any expenses as, in all probability all of the information that the AAT agreed should not be released, would not have been available in any event through FOI.

You can image what fun Mr Murdoch would have at my expense if my legal team had not been able to redact a large portion of my personal medical records after Major General Melick authorised their release. I suppose the balance of power of the Australian Senate is a matter of high stakes and all is fair in love and war to some people. I would like to know what political affiliations and connections Major General Melick has. They could be relevant in this matter given his extraordinary ruling which would have led to the public release of all my private medical records. All of them!

Successful passage of the Veterans’ Entitlement Amendment (Expanded Gold Card Access) Bill 2015 will mean that significantly fewer veterans will have to submit themselves to a dysfunctional, dishonest and corrupt Veterans' Affairs appeals process, which clearly contributes to the harm the veterans have already suffered. It lessens the chance that vets, or injured former diggers, will have to spend thousands of dollars fighting to keep their personal medical records private should a reporter or anyone else decide to dig dirt with the help of a compliant AAT commissioner.

If we send them and bend them, whatever the cost, we should mend them. We will always honour the dead, but I can tell you now, we will always fight like hell for the living. There are
military members over there in the chamber and you know who you are, and if you are not on my side fighting for this bill, then all that crap that you said in your first speeches means absolutely nothing to those who have served. It means absolutely nothing! And they will not forget!

Senator REYNOLDS (Western Australia) (10:57): I thank all current and past service personnel for their service to our nation, and there is absolutely no question that all of us in this place and in the nation owe them a huge debt of gratitude. I too rise today to speak on this bill and I do remind the Senate of my objections to yet another well-intentioned bill on service related issues, but again it is very poorly conceived and uncosted. Like Senator Lambie's bill to increase defence pay, while it had a very catchy title, the devil is always in the detail, and in the case of the last bill the detail was that it actually set back all pay and conditions of defence service personnel.

Australians are rightly proud of the service of our ADF members and I could not have been prouder of having been a member of the Australian Army. Despite the threat that Senator Lambie just made to me, personally, in this chamber, nobody is a more a passionate advocate for the veterans and for our current serving ADF members than I. Again, I commend Senator Lambie for her ongoing commitment to defence personnel, but to suggest in this place that anybody has a mortgage on compassion and a mortgage on what is right for a very complex policy area, I think, is insulting and is, quite frankly, wrong. We might have differences of policy, in terms of how to deal with these issues, and we might also have very different approaches on how to seek change and get better outcomes for our veterans, but to suggest that I or any other serving personnel in this chamber does not care, and to be subject from a threat by Senator Lambie, is absolutely wrong, and it is insulting.

Let's have a look at the details. This bill suggests that the current government and, indeed, all past governments from both sides do not care about the veteran community. As I said, that is absolutely wrong. This bill proposes automatically issuing a DVA healthcare, all-conditions gold card to current and ex members of the Australian Defence Force who have rendered service in war or warlike operations and also all members of peacekeeping forces, including Australian Federal Police members. Again, like the bill on higher pay for ADF which actually reduced pay, the devil is in the detail, or lack of detail, of this bill.

Senator Lambie's bill also includes provisions to extend gold card benefits retrospectively for treatment provided since 1 August 1947 for any injury or disease experienced by any eligible person who is alive at the commencement of this bill. Further, the bill proposes to issue a gold card solely on the basis of current or ex members having the necessary service, regardless of whether the recipient has a condition or injury caused by war or sustained during war or warlike operations. Again, this sounds reasonable. But, again, it is a very populist approach. For reasons I will go through, it is counterproductive. It is uncosted. It could actually backfire horribly.

It is clear that this is a well-intentioned policy. It is certainly a very populist one. But, to be frank, I am certain Senator Lambie has not thought for a second how much it would cost, especially on a day like today—

Senator Lambie interjecting—

Senator REYNOLDS: Senator Lambie, you were heard in silence.
The ACTING DEPUTY PRESIDENT (Senator Lines): Order, Senator Lambie! Senator Reynolds, please address your remarks to the chair.

Senator REYNOLDS: Senator Lambie was heard in silence when giving her speech. She also directly threatened me. She is now also being very unparliamentary. I would ask her to withdraw her last comment.

The ACTING DEPUTY PRESIDENT: I did not hear the comments because there was so much noise in the chamber. But I will remind all senators that they need to be respectful to one another in the chamber.

Senator REYNOLDS: I would ask that I be extended the same courtesy that I and other colleagues extended to Senator Lambie and be heard in silence.

Further, this bill proposes to issue a gold card solely on the basis of a current or ex member having necessary service. As I said, this is a well-intentioned policy, but it is completely uncosted. We have no idea how much it would cost, which is particularly ironic because at this exact moment the Minister for Defence is releasing the Defence white paper and is committing almost $30 billion of new spending towards defence. That will include going towards veterans and current serving personnel.

My greatest concern with this bill is that by making this very important resource for our most vulnerable veterans and ADF personnel as widely available as Senator Lambie wants it would not be targeted and would be spread too thin. It is completely uncosted. The result would be that those who need this assistance most would end up losing out. There is no question about that.

As part of this government's defence policy, we are fiercely committed to ensuring the health and wellbeing of Australia's current and former service men and women and to providing support for their families and dependents. The government's 2015-16 budget is delivering $12 billion for veterans' affairs—$6.5 billion for pensions and compensation and $5.5 billion for health care. In 2014-15 the Department of Veterans' Affairs supported more than 316,000 clients through treatment cards—gold cards and white cards in particular—and some compensation for incapacity or permanent impairment and whole-of-person rehabilitation.

Senator Lambie has stated that:

Australia has a moral as well as a legal duty to give our veterans access to the best medical care our country can offer.

Senator Lambie, let me emphasise this: the government absolutely supports this and is delivering it. This is why it has programs in place that work with healthcare service providers to ensure they understand the unique and particular needs of current and former ADF members.

The government's mental and social health action plan for 2015 and 2016 outlines a comprehensive e-learning program to improve the capabilities of healthcare providers to support veterans' mental health. DVA has also worked with peak provider organisations to make veteran-specific compulsory development point training available, further enhancing providers' understanding of veterans' requirements.

DVA invests considerable effort to make it easier for health providers to do business with government. This includes providing free, fast and simple e-billing arrangements and...
reducing the red tape associated with providing treatment. DVA also has a streamlined process to consider approving new and emerging treatment options where these can provide a benefit to patients, ensuring access to contemporary care in a timely manner.

I would note that this bill is of such great interest to Senator Lambie that she has left the chamber. She clearly does not want to hear all of the things the government is actually doing. I am sure if she were here she would be interested to know that DVA has recently also established a comprehensive and streamlined consultative forum with providers to ensure their voices are heard and responded to. This forum is in addition to consultation being undertaken in respect of dental and allied health services.

DVA’s major focus is on early intervention as the critical first step in identifying and meeting the mental health needs of veterans. Veterans and their families can access mental health support. Again, it is a shame that Senator Lambie is not here to hear about the mental health support aspects of what DVA is providing. Nonetheless, I will recount them for colleagues in this place. First of all, veterans can talk to their GP, who may provide treatment or refer them to a psychologist, psychiatrist or social worker. They can access DVA’s mental health web portal, At Ease, which gives access to videos, self-help tools and mobile apps on mental health and wellbeing. As well, they have the option to call on the Veterans and Veterans Families Counselling Service at any time to access free and confidential Australia-wide counselling and support.

If Senator Lambie were here for this debate she may have also been interested to hear that there are three main ways clients may access medical care through current DVA arrangements. Clients with qualifying service who are aged 70 years and older automatically receive a gold card that covers treatment costs for any condition. I will say that again because I think that is something that Senator Lambie and those who support this bill clearly do not understand. Clients with qualifying service who are aged 70 and older automatically receive a gold card which covers treatments for any condition. Eligible clients seeking treatment for cancer, TB and certain mental health conditions—whatever the cause—may access treatment by taking the non-liability pathway. Clients seeking treatment and compensation for medical conditions, including mental health conditions, related to service in the ADF may take the liability pathway and lodge a claim.

I understand and acknowledge that validation of service and sacrifice is essential to the mental health and wellbeing of all veterans—of course it is—and that includes contemporary veterans of more recent operations. Nobody in this place—and certainly not me—is saying that DVA is perfect and that they get it right for all 316,000 clients all of the time. Of course they are not and of course they do not. But DVA does know that it needs to learn from the past, use new knowledge about mental health and continue to adapt its systems to new generations of veterans and their families.

Like Senator Lambie and many other Australians, I believe that we owe veterans and their families a debt of gratitude for their service and their sacrifice. This means we must provide them with easy access to the treatment they need and to all the compensation and benefits to which they are entitled, along with vocational rehabilitation options and opportunities to enhance their wellbeing. To this end, my focus is on providing the support veterans need through improvements like ensuring they have access to transition processes for personnel leaving military service and that they access those provisions, vocational rehabilitation
options to assist those who are able to return to the workforce, the ongoing availability of mental health resources and treatments, and also the streamlining of DVA's claims processes.

In the debate today on this very ill-conceived, unfunded and highly emotive bill, let us have a look at what the gold card already provides. A gold card provides lifetime healthcare treatment at DVA's expense for health conditions experienced by the cardholder, regardless of any link between the condition and service. It is a shame Senator Lambie is not in the chamber for debate on her own bill, because I think she would probably be surprised to know that a gold card provides lifetime healthcare treatment at DVA's expense for all health conditions experienced by the cardholder, regardless of any link between the condition and the service. You would not know that from listening to Senator Lambie's speech and reading her ill-conceived bill.

What else does a gold card already provide? The gold card provides access to a broad range of treatment and services, including to private and public hospitals, theatre fees, intensive care, GP services, referred specialist services, allied health services, dental services, and optical and ambulance cover. Cardholders are also covered for a wide range of rehabilitation devices and appliances, pharmaceutical needs and travel for treatment. It is very comprehensive support, as it should be, and it went unacknowledged by Senator Lambie in her speech.

Who is eligible for the gold card? All veterans with qualifying service, including those who have served in operations in Afghanistan and in certain other operations in the Middle East, will automatically get a gold card when they turn 70 years of age. Under the VEA, a gold card is also provided to any veteran who is in receipt of a disability pension paid at or above 100 per cent of the general rate or in receipt of a disability pension at 50 per cent or above the general rate and any amount of service pension. But that is not all. A gold card is also provided under the MRCA to former ADF personnel, cadets and reservists with service since 1 July 2004.

And guess what? It is actually extended more widely than that. The gold card is also extended to those who have permanent service related injuries or diseases assessed at or above 60 impairment points. And, yes, there is even wider coverage. It is also extended to those who have permanent service related injuries or diseases assessed at or above 30 impairment points and who are also receiving any amount of service pension, to the category of veterans who are assessed as eligible for the special rate disability pension safety net payment, even if they have chosen not to receive that pension, and, again, to those who are at least 70 years old and who have qualifying service.

What do the veterans community and other people who know a lot about this say on the expansion of the gold card eligibility? The Clarke review observed that the notion that only some people may receive a gold card has been:

... widely accepted by successive governments and the community, that those veterans who suffered the rigours of service that exposed them to harm from the enemy in war or warlike operations have been affected by that service in ways not tangible, and thus should be provided with assistance where they cannot work due to age or disability ...

These views continue to be widely supported by the veteran community. Again, I am really sad to see that Senator Lambie is not here for the debate on her own bill, because I think she would be very interested to know what the veteran community are saying about her bill.
As I said, these views are widely supported by the veteran community. As recently as September and October last year, ex-service organisations and other members of the veteran community expressed their concern to Senator Lambie about her suggestion that a gold card be provided to all discharging veterans. On 25 March last year, the Senate agreed to establish an inquiry into the mental health of ADF personnel who have returned from combat, peacekeeping or other deployments. I understand that that inquiry is due to release its report this month. The inquiry has received 79 submissions, and a number of public hearings have been held in Brisbane, Sydney and Canberra. The public hearings were attended by a diverse range of representatives from the veterans community, including the RSL, the Alliance of Defence Service Organisations, Australian Families of the Military Research and Support Foundation, Walking Wounded, Soldier On and Stand Tall for PTS.

What did they have to say? Senator Lambie, as you are not in the chamber, I hope you are at least watching this, because I know you should be very interested in what the veterans organisations themselves have to say about your bill. Mr Bradley Allan Skinner, the executive officer of Walking Wounded, said:

I would like to say yes—I really would ... I am a returned soldier. I saw active service in East Timor. I am never going to pretend that the service I saw in East Timor compares with the service that these diggers that I knew in 2CR underwent in Afghanistan ... But honestly, when you put your fair dinkum hat on, it does not compare. If that were the case and I could put my hand out for a gold card, my hand would be shaking, as they used to say, because I would know, deep down, that I would not deserve it.

Mr Anthony Ross Dell, founder of Stand Tall for PTS, suggests that a temporary gold card should be issued for a short time after discharge and that a permanent gold card should only ever be provided to veterans with a diagnosed condition—as is already the case.

Mrs Emma Louise MacDonald is Director of the Australian Families of the Military Research and Support Foundation. What did she say? She was very concerned that, if every discharging member were to be automatically issued with a gold card, the people who already have gold cards and who have been injured, wounded or have other disabilities would see that it devalued their service, and it would reduce the funding available to give them the support they so badly need.

What is the cost of expanding eligibility for the gold card? I note at this point that Senator Lambie is not in the chamber for the debate on her own bill. We have seen that there are no costings for this bill. As noted previously, the proposed amendments are understood to apply to service rendered during war, conflicts or peacekeeping operations. Indicative costings have been prepared for the automatic provision of a gold card to all veterans, current and ex-members of the ADF, and AFP members who have rendered operational service, including in peacekeeping operations. Senator Lambie has asserted that the increased costs could be absorbed by government and would somehow—through the fairies in the back of the garden—be 'cost neutral'. She says that there would be no cost to this. Her assertion is clearly and patently incorrect and seems to rely on some fanciful assumption that veterans will not claim compensation once they have a gold card. So, if people are not going to claim for services when they get a gold card, why on earth would it be issued in the first place?

Compensation benefits are entirely separate from the treatment available through a gold card—and DVA makes approximately $3.8 billion in such payments each year. These costs will continue. This proposal is not cost neutral. The overall net cost of providing a gold card...
to all veterans with operational service is estimated to be at least $1.5 billion over the first four years and $11 billion across 20 years. Where are the costings? Where is the money coming from? Senator Lambie has been completely silent on that. Senator Lambie suggests that the proposed bill will ensure that 'everyone who serves in war or war-like operations will receive vital, necessary and timely medical and psychological treatment'.

I say in conclusion that expanding eligibility for the Gold Card is not the way to achieve this goal. Non-liability health-care treatment for mental health conditions is already available free of charge, without the need to lodge a compensation claim. The government does not support Senator Lambie's proposal to expand Gold Card criteria—

(Time expired)

Senator SINGH (Tasmania) (11:18): At the outset of my contribution to this private senator's bill, the Veterans' Entitlements Amendment (Expanded Gold Card Access) Bill 2015, I would like to acknowledge and thank current and past service personnel for their service to our nation. Australia does inindeed owe them a great gratitude. I had the privilege last year of spending time with some of our service personnel in both UAE and Afghanistan through the parliamentary defence program and got to witness firsthand the incredible work they do every day in representing our country in that part of the world.

I would also like to acknowledge Senator Lambie in bringing this bill forward. Since she has been in the Senate, she has shown incredible dedication to veterans affairs issues. I know she has a deep and personal connection to those issues. She has made contributions in relation to that a number of times in this place. Despite the differences that some of us in this place may have with some of the policy positions she may bring forward, I think we need to respect her for her dedication to veterans affairs issues and for her advocacy for service men and women in this place.

The former Minister for Veterans' Affairs has stated that the government does not currently have a policy to expand access to the gold card. So, on 10 November last year, Senator Lambie gave notice that she would introduce the private senator's bill that is currently being debated. The purpose of the Veterans' Entitlements Amendment (Expanded Gold Card Access) Bill 2015 is to amend the Veterans' Entitlements Act 1986 so that all veterans, including peacekeepers and peacemakers or former members of Australian Defence Force, who have served in war or war-like operations, and for related purposes, are provided with a Department of Veterans' Affairs gold card and its associated benefits.

At present, I understand there are three categories of DVA health cards, depending on service and medical needs: the orange card, which is pharmaceutical only; the white card, which is for specific conditions; and the gold card, which is for all clinical health needs. The gold card, the DVA health card for all conditions, entitles the holder to DVA funding for services for all clinically necessary health-care needs and all health conditions, whether they are related to war service or not. The cardholder may be a veteran or the widow/widower or dependant of a veteran. Only the person named on the card is covered.

The white card, the DVA health card for specific conditions, entitles the holder to care and treatment for accepted injuries or conditions that are war-caused or service related; malignant cancer, pulmonary tuberculosis, post-traumatic stress disorder, anxiety and/or depression, whether war-caused or not; and the symptoms of unidentifiable conditions that arise within 15 years of service, other than peacetime service.
Services covered by a white card are the same as those for a gold card but must be for treatment of war caused or service related accepted conditions. The card also entitles the holder to transport related to treatment and access to the Repatriation Pharmaceutical Benefits Scheme, the RPBS, for their accepted conditions.

The orange card, the DVA health card for pharmaceuticals only, enables the holder to access the range of items available under the RPBS. The orange card is for pharmaceuticals only, and cannot be used for any medical or other healthcare treatment.

Access to DVA gold cards is currently determined by the nature of service and incapacity of a veteran, their widow or widower or their dependents.

There is no greater responsibility than the protection of Australia's interests, and that comes with the responsibility to care for and support our servicemen and servicewomen and their families. This includes the responsibility to honour the sacrifice that, in many sad instances, their families have made in losing a loved one, by ensuring that their husbands, wives and children receive the support they need and deserve.

Labor has a strong record of achievement in the important policy area of veterans affairs, based on justice, respect and recognition. While those opposite often claim to be the champions of ex-servicemen and ex-servicewomen and their families, in reality they do not have the single claim to be the custodians or defenders of our former servicemen and servicewomen of our veterans community.

Labor has delivered a whole series of reforms in this important space—reforms that mean investment, that mean stronger commemoration of our military history, and that mean there are practical solutions delivering real benefits for our veterans, war widows and orphans, every single day of the year. The history of Labor’s commitment to supporting war widows, for example, began in 1914. Under former Labor Prime Minister Fisher the War Pensions Act was introduced in the wake of the breakout of World War I. The War Pensions Act ensured that a pension was granted upon the death of members of the Defence Force of the Commonwealth and members of the Imperial Reserve Forces resident in Australia whose death was the result of service. This was the first of many measures over the years to ensure that ex-servicemen and ex-servicewomen, war widows, widowers and war orphans were provided with the support and respect they desired.

More recently, this has included the move to the triple indexation of aged, service and widows pensions, in 2009. In September 2009 the Pensioners and Beneficiaries Living Cost Index was added to the CPI and the Male Average Weekly Earnings Index as an indexation factor for income support payments. Under this system, aged, service and widows pensions are indexed in line with the highest of these three factors. Linking pensions to three indexation factors rather than just CPI ensures that payments keep up with the cost of living. During this same period the former Labor Government introduced the Seniors Supplement, which assisted eligible gold card and Commonwealth seniors card holders with everyday costs such as water, electricity, rates and internet bills.

In the 2013-14 budget, over $12.5 billion in funding for the veteran community was assigned by the Labor government, including some $6.8 billion in pensions and income support and $5.6 billion in health services, together with $85 million for commemorative activities, which are of extraordinary and lasting importance. The Australian system of
providing financial and medical assistance to veterans, war widows and war orphans is currently one of the best in the world and Labor intends to make sure it remains that way.

We all know that the face of our veterans community is changing. The recent draw down of forces in Afghanistan and over a decade of operational deployment on peacekeeping missions has greatly increased the number of young veterans. It is vitally important that government services and policies adapt to ensure we can meet the needs of an aging veterans population and the growing number of young veterans at the same time.

Through research and experience we are also gaining a greater understanding of the mental health needs of our veterans and their families, whatever their age. Labor understands the importance of getting it right when it comes to mental health. Whether that has been conducting the Vietnam Veterans Family Study or investing an additional $26.4 million in expanded mental health services and expanding eligibility for treatment, the former Labor government made the mental health of our veterans a priority. And we are very pleased to see that work on expanded access to mental health services continue under this government.

But at a time when the demographics of the veterans community is undergoing so much change, and where the necessity of getting our response to those changes right, the Abbott and Turnbull governments have seen numerous cuts to veterans entitlements, starting with those proposed by the Abbott government in its 2014 budget. One of the key concerns coming out of the 2014 budget was the proposal to introduce CPI-only indexation for aged, service, war widow and widower and disability compensation pensions. This measure would have seen the pensions of some 280,000 members of the veterans community lose as much as $80 a week over 10 years. That is incredibly shameful. Having introduced the triple indexation system in 2009, Labor understood that CPI is rarely the highest indexation factor and, alone, it is an outdated and unfair method to keep payments up with the cost of living. As a result, we stood against this measure in the parliament and prevented its passage through the Senate on no fewer than two occasions. This measure has now been dropped in a significant win for former and current service personnel thanks to the stalwart advocacy of ex-service organisations and seniors groups.

Despite the positive outcome on CPI only indexation, many of the measures contained in the 2014 Abbott budget continue to remain in place under the Turnbull government and we now face new measures contained in the 2015 budget. Changes to disability back pay which represent a loss of up to $8,400 for special rate recipients are still very much on the table. We also spoke out strongly against the cessation of the seniors supplement, assisting veterans with the cost of energy and telephone and internet and rates and water and sewerage expenses. Sadly, this measure has now been implemented as a result of a deal done between the government and the Greens at the time.

The government has closed a number of VAN offices across Victoria and New South Wales. In addition, the government has committed to reviewing the leases of VAN and VAN-like offices as their leases come close to termination. This raises significant questions regarding how many closures we could end up seeing in the future. While I agree that social media and internet resources are an important resource for reaching out to our younger veterans, for many the face to face support and advice offered by VAN officers remains an important point of contact for many veterans, no matter what their age.
The 2015 budget also saw the extension of a pause on the indexation of dental and allied health provider fees. I believe that looking after our veterans community also means supporting those who loyally provide essential services to veterans and their families. There already exists a disparity between mean fees and government rebates when it comes to providing these services, up to 25 per cent in the case of dental services. I do not want to see services to veterans suffer as a result of unbearable market pressures, and Labor will stand opposed to this measure as a result.

Finally, and most recently, the new changes to pensions will see the part pensions of more than 10,000 veterans reduced and some 2,800 cancelled. We are committed to working cooperatively on responsible saving but we cannot support measures like this which unfairly and disproportionately impact the most vulnerable sections of our community. We hope to see a more positive outcome for the veteran community in the 2016 budget, which we know is not far away, but at this point in time I am not holding my breath.

Labor acknowledges the success that Senator Lambie has had in the very important task of highlighting veterans' issues here in the parliament, and beyond. As I said at the outset, despite the views of those opposite about policy put forward by Senator Lambie, I think we owe her gratitude and respect. She has been a tireless advocate in the area of veterans affairs issues. She made it very clear in her first speech that she would be, and she has lived up to that commitment.

It is an important fact that more than 60,000 Australians have served on operations overseas in the ADF since 1999. This new generation of veterans are already presenting the Department of Veterans' Affairs, and all of us, with new challenges. These new challenges include post-traumatic stress disorder; the transition from ADF to civilian life, equipping our veterans with the skills and support they need to be successful outside of the Australian Defence Force; and a strong system of care and benefits that are targeted and effective and deliver value to both the veteran and the taxpayer.

According to data provided by DVA, increasing access to gold cards under the Veterans' Entitlements Act 1986 to all veterans who have served in 'war or war-like operations' and their widows/widowers and dependents would cause the number of gold cards issued to rise from 16,187 to 62,285 as of 1 July 2016. This proposal would have an ongoing impact that extends beyond the forward estimates period. Labor believes in a strong system of benefits and entitlements for our veterans and their families as a sincere way of demonstrating our gratitude for the service they have provided to our country. I hope I have outlined some of the ways in which Labor when in government delivered exactly that—the way we delivered that sense of gratitude for their service through all of the budget measures that we took over the years that we were in government. We were serious about providing support in the policies we implemented in return for their dedication. Labor has an outstanding record of accomplishment in this very important area of public policy. Labor has built on this record by opposing those unfair measures contained in the 2014-15 and 2015-16 budgets which impacted on our veterans' community.

Access to DVA gold cards is currently determined by the nature of service and incapacity of a veteran, their widow/widower or their dependents. This is in recognition of the different levels of service given by veterans and the sacrifices they have made for our country. The Senate Committee on Foreign Affairs, Defence and Trade is currently conducting an inquiry into the mental health of ADF personnel who have served, and is considering transition arrangements out of Defence, the level of health and support services available and its impact on the mental health of our veterans. I understand the committee is due to report in the coming
weeks, and we will carefully consider the recommendations of the report when they are released. I look forward to that and I look forward to the ongoing work that this parliament needs to do when it comes to veterans affairs. These are incredibly important matters. I thank Senator Lambie for her ongoing passion, commitment, understanding and dedication to veterans affairs issues and for the support she provides to so many veterans in our community in Australia.

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (11:37): I rise today to speak to Senator Lambie's bill, the Veterans' Entitlements Amendment (Expanded Gold Card Access) Bill 2015, and to foreshadow an amendment that the Australian Greens will be moving jointly with Senator Xenophon when we get to the committee stage. I have reasonably frequently found myself on the opposite of the argument to Senator Lambie, but not on this issue. Since the first moment that she took her seat in here, the Australian Greens, more often than not, have found ourselves on the same side of the debate.

The Greens believe that we owe our service personnel a number of things. The first is to not needlessly deploy them into harm's way, and I would strongly assert that that has not been done and that we have put people needlessly in harm's way numerous times through taking on wars of choice. The second thing that we owe them to look after them on their return, so I congratulate Senator Lambie for her advocacy and for bringing this important debate to the parliament this morning.

I want to confine my remarks to the amendment that I will move jointly with Senator Xenophon when we come to the committee stage, and that is about a cohort of Australian military veterans who have remained largely forgotten. I have spoken many times in the past of our atomic veterans who served in Hiroshima and Nagasaki after the bombings of 1945, having been posted there during the occupation of Japan in the immediate postwar period. I believe they will be caught by Senator Lambie's amendment, so I do not propose to speak solely of them this morning. The particular cohort I refer to here were those veterans who were forced as a condition of their service to participate and witness the nuclear weapons bombings of Montebello Islands, Emu Field and Maralinga by our ally, the British government. They were exposed to neutron radiation and fallout and have suffered a lifetime of health conditions. I have pursued this under several different prime ministers and under governments Labor and Liberal, and the utter tragedy is that because they were bombed by an ally, not an enemy, they are not eligible for gold card health support. That is an extraordinary tragedy. They were exposed to radiation from nuclear weapons blasts—something that nobody should have to see. In wartime, it has only happened those two times, those infamous days of 6 and 9 August 1945. But those Australian and British veterans who were exposed to nuclear blasts are not eligible for the kind of gold card support that we have been debating in the Senate this morning, because their exposure was at the hands of an ally. Had they been bombed by imperial Japan or Nazi Germany, they would, as a right, be entitled to this support. They were bombed by the British government at the express invitation of the Australian government, and then we have hung them out to dry.

The amendment is a simple one. It is identical in intent to an initiative that the Australian Greens launched during the 2013 election campaign. It does nothing more than to help these surviving veterans and their families, who have been cursed with the long-term,
intergenerational health and genetic effects of exposure to ionising radiation. They have had to try to prove to DVA, to health authorities and to the GPs that the extraordinary range of health conditions that they have suffered in the intervening decades was at the hands of those atomic blasts that they were forced to witness. Of course, it is like smoking cigarettes and developing lung cancer. Just as you can never pinpoint the exact cigarette that caused the cancer to take hold in your body, you cannot prove that it was exposure to the atomic blasts that caused the hideous range of health conditions that these veterans have been exposed to—nor should they have, because the epidemiological evidence is sound. It is bedded down against decades of experience in the medical community.

These veterans are owed more than we are giving them. That is why I am proud to stand here today. Senator Lambie knows that this is not a hostile amendment. This is an amendment that effectively complements and closes an intergenerational loophole that we opened up when we allowed Australian personnel to be harmed by the actions of an ally, and that is not something that anybody should be subject to. Mr Ray Whitby, a fellow Western Australian, was a nuclear veteran in the 1958 atomic weapons testing at the Montebello Islands in Western Australia. He says the following:

More than half a century ago, I was a young man eager to serve his country. As a result I have suffered a lifetime of medical issues that have impacted my enjoyment of life. All I now ask for is fair and just compensation.

Mr Geoffrey Gates, one of the 290 veterans who took their case to the Australian Human Rights Commission, says:

To not be recognised by the government as having participated in non-warlike hazardous activities is an insult to me, to my family and to all other the veterans and civilians whose lives changed forever because we simply weren't told the truth.

We owe these individuals better. The tragedy is that we took for the 2013 election a costing from the independent Parliamentary Budget Office. What they told us extraordinary. It was that the later you leave the introduction of this essential measure to support the health of this dwindling cohort of individuals, the cheaper it gets. I ask the Senate to pause and reflect on why that is. It is because these people are dying. They were exposed in the 1940s and 1950s, and there are not many of them left. I would say that the absolute least obligation that we owe them—whatever your political alignment, whatever your allegiances in this place or what it was that brought you here—is that we should offer them this assistance while some of them yet live. Is that too much to ask?

In the context of the Defence white paper announced this morning, which proposes, in aggregate, $1 trillion in military spending over forthcoming decades, the least we can do is to honour, acknowledge and help support those veterans who suffered not at the hands of the enemy but at the hands of a nuclear armed ally. I thank Senator Lambie and the Senate.

Senator LAZARUS (Queensland—Leader of the Glenn Lazarus Team) (11:44): I move:

That the question be now put.

The DEPUTY PRESIDENT: The question is that the question by now put.
The Senate divided. [11:49]

(The Deputy President—Senator Marshall)

Ayes .................... 17
Question negatived.
Debate interrupted.

PETITIONS

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

Australia US Alliance

To the Honourable President and members of the Senate in Parliament assembled:
The petition of the undersigned shows:

- For more than 100 years Australian governments have willingly been drawn into wars that have had little strategic importance to this nation, at the behest of foreign powers.
- Experience has shown, and senior politicians and academics argue, that many of the actions taken in the name of the Australia/US alliance, so far from offering Australia protection, have jeopardised our national security and sovereignty.
The regular, rotational deployment of US marines to Darwin has major military implications for Australia. It demonstrates to others our subservience to a foreign power and puts at risk our relationships with our Northern neighbours.

Therefore, your petitioners ask that the Senate:

Enact legislation to end to the deployment of US marines to Darwin.

By Senator Rhiannon (from 948 citizens).

Australia US Alliance

To the Honourable President and members of the Senate in Parliament assembled.

The petition of the undersigned shows:

- For more than 100 years Australian governments have willingly been drawn into wars that have had little strategic importance to this nation, at the behest of foreign powers.
- Experience has shown, and senior politicians and academics argue, that many of the actions taken in the name of the Australia/US alliance, so far from offering Australia protection, have jeopardised our national security and sovereignty.
- The regular, rotational deployment of US marines to Darwin has major military implications for Australia. It demonstrates to others our subservience to a foreign power and puts at risk our relationships with our Northern neighbours.

Therefore, your petitioners ask that the Senate enact legislation to end the deployment of US marines to Darwin.

By Senator Rhiannon (from 141 citizens).

Live Animal Exports

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

The petition of the undersigned condemns the live export of animals from Australia, particularly those animals exported for breeding purposes. Live export subjects all animals to extreme cruelty, suffering and abuse. Animals exported for breeding purposes are at a greater risk, because they are completely unprotected by Australian law once they reach an overseas destination. Your petitioners request that the Senate acts immediately and without delay to ban the live export of breeder animals.

By Senator Rhiannon (from 6,475 citizens).

Petitions received.

NOTICES

Presentation

Senator Williams to move:

That the Senate notes that:

the 162 members of the World Trade Organization have agreed to end agricultural export subsidies;

over time, these countries will no longer have the right to subsidise their agricultural exports, which will make Australian farmers more competitive in markets such as meat, dairy, sugar and wine;

Australia has a reputation for producing clean green produce and is developing strong markets amongst Asia’s growing middle-class, following trade deals with three of our four largest export markets;

Australia’s exporters have been benefiting from the Japan-Australia Economic Partnership Agreement since its entry into force in January 2015—in the 2015 calendar year, when compared to 2014, fresh/chilled beef export values increased by 22 per cent as tariffs fell from 38.5 per cent to 31.5
per cent; tariff falls from 12.8 per cent to 7.6 per cent saw Valencia orange exports up by 35 per cent; and export sales of fresh table grapes and shelled almonds increased more than ten-fold as their tariffs dropped from 7.8 per cent to 5.9 per cent (in season), and 2.4 per cent to zero, respectively, and over the same period, large bulk wine exports doubled as the tariff was completely removed, and export sales of rolled oats were up more than 50 per cent;

Australia’s exporters are also making the most of the Korea-Australia Free Trade Agreement, also in force for more than a year—in the 2015 calendar year, when compared to 2014, exports of shelled macadamias more than doubled as the tariff was reduced twice from 30 per cent to 18 per cent; export values for chipping potatoes jumped 64 per cent when a seasonal tariff dropped from 30 per cent to zero for the December-to-April Australian growing season, fresh beef export values to Korea increased by 37 per cent, frozen beef was up 30 per cent, and bottled wine jumped by 54 per cent, as tariffs on those products fell, and other export products to see significant growth included navel oranges, and fresh asparagus;

to complete the trifecta, exporters to China are capitalising on the two tariff cuts that have already taken place under the China-Australia Free Trade Agreement since 20 December 2015, which the National Farmers Federation previously estimated may save Australian farmers up to $300 million in 2016 alone; and

the Australian Government is ensuring access to premium overseas markets is maintained and enhanced with the appointment of a further five agricultural counsellors in Vietnam, Malaysia, Saudi Arabia, China and Thailand which are worth close to $14 billion to our exporters.

Senator Lambie to move:

That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 10 May 2016: The operation of the Australian Defence Force’s (ADF) resistance to interrogation (RTI) training, with particular reference to:

what training methods are used;

whether these training methods are in accordance with Australia’s international obligations and Australian domestic laws;

the effectiveness of existing ADF supervisory control measures;

the ongoing mental health and wellbeing of personnel who have participated in RTI training; and

the matters raised in questions to Lieutenant General Campbell during the 2015-16 additional estimates.

That the Senate:

notes that Lieutenant General Campbell acknowledged during estimates questioning that video and other electronic records were made by the ADF of RTI training; and

orders the Minister for Defence (Senator Payne) to provide the committee, under special circumstances which protect serving and former ADF personnel identities and operational security, with all recordings made by the ADF of RTI training by 15 March 2016 to assist the committee with the inquiry.

Senator Siewert to move:

That the Senate—

notes that:

after in-depth discussions with over a thousand young people and a national survey of 5,400 young people, the final report of the Australian Child Wellbeing Project found that of young people in years 4, 6 and 8:

between 20 and 25 per cent worry that someone close to them will not have enough to eat,
10 to 20 per cent sometimes go to bed hungry because there is not enough food at home, and
more than 2 per cent often or always go to bed hungry, and
the Australian Council of Social Service estimates that 17.7 per cent of children live below the
poverty line; and
calls on the Australian Government to adopt a comprehensive anti-poverty strategy, including
measures to combat child poverty.

Senator Waters to move:
That there be laid on the table, no later than 9.30 am on 3 March 2016, the following documents held
by the Commonwealth Scientific and Industrial Research Organisation (CSIRO), or the Minister
representing the Minister for Industry, Innovation and Science, relating to the restructuring of the
CSIRO Oceans and Atmosphere division:
the written briefing prepared in December 2015 by Dr Ken Lee, Director of the CSIRO Oceans and
Atmosphere division for submission to the CSIRO executive for the ‘Deep Dive’ meeting;
documents from November to December 2015 demonstrating the consultation that was undertaken
with the Oceans and Atmosphere Flagship Research Program Leaders in preparing the above briefing;
any written communication from Dr Alex Wonhas or Dr Larry Marshall to the CSIRO Oceans and
Atmosphere division subsequent to the briefing mentioned in paragraph (a) requesting a proposal for
more extensive restructuring;
documents from January 2016 demonstrating any consultation that was undertaken by Dr Lee with
the Oceans and Atmosphere Flagship Research Program Leaders in developing the proposal for more
extensive restructuring;
all written communication from December 2015 until the present between the CSIRO Oceans and
Atmosphere Flagship and either Dr Wonhas or Dr Marshall in relation to any proposed more extensive
restructuring including:
communications detailing the scope, rationale and implications of the restructuring,
guidelines or criteria to be used in choosing specific areas to be restructured, and
the rationale for a reduction of 100 equivalent full-time staff;
documents from December 2015 until the present demonstrating the consultation process that is
being undertaken with the Oceans and Atmosphere Flagship Research Program Leaders, including
guidelines or criteria being used, to determine the specific research groups and teams to be restructured;
any written briefings for Dr Wonhas or Dr Marshall for the CSIRO executive meeting on or around
27 January 2016 concerning proposed restructuring in the CSIRO Oceans and Atmosphere Flagship;
the minutes or other records of any CSIRO board meeting which considered the restructuring of the
Oceans and Atmosphere Flagship;
all project description and project budget documents for projects concerning the Cape Grim
observing station and the associated Gas Lab analysis, for the past 5 years, up to and including 2015-16;
and
any written communication between Dr Marshall and CSIRO staff concerning clean coal technology
from November 2015 until the present.

Senator Ludlam to move:
That the Senate
notes that the assertions by:
the Assistant Treasurer (Ms O’Dwyer) that reforming negative gearing and capital gains tax
concessions would force up house prices, and

CHAMBER
the Prime Minister (Mr Turnbull) that reforming negative gearing and capital gains tax concessions would force down house prices; and

calls on the Government to clarify which house price scare campaign it wishes to proceed with.

Withdrawal

Senator WILLIAMS (New South Wales) (11:52): Pursuant to notice given on 24 February 2016, I withdraw business of the Senate notice of motion No. 1 standing in my name for 10 May 2016 proposing the disallowance of the Charter of the United Nations (Sanctions—Syria) Regulation 2015; business of the Senate notice of motion No. 2 standing in my name for 10 May 2016 proposing the disallowance of the Charter of the United Nations (Sanctions—Iraq) Amendment Regulation 2015; and also business of the Senate notice of motion No. 1 standing in my name for 21 June 2016 proposing the disallowance of the International Organisations (Privileges and Immunities—Asian Infrastructure Investment Bank) Regulation 2015.

COMMITTEES

Selection of Bills Committee

Report

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (11:53): I present the second report of the 2016 of the Selection of Bills Committee and seek leave to have the report incorporated in Hansard.

Leave granted.

The report read as follows—

SELECTION OF BILLS COMMITTEE

REPORT NO. 2 OF 2016

1. The committee met in private session on Wednesday, 24 February 2016 at 7.16 pm.

2. The committee resolved to recommend—that—

(a) the provisions of the Corporations Amendment (Life Insurance Remuneration Arrangements) Bill 2016 be referred immediately to the Economics Legislation Committee for inquiry and report by 15 March 2016 (see appendices 1 and 2 for a statement of reasons for referral);

(b) the provisions of the Migration Amendment (Character Cancellation Consequential Provisions) Bill 2016 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 16 March 2016 (see appendices 3 and 4 for a statement of reasons for referral);

(c) the provisions of the Tax and Superannuation Laws Amendment (2016 Measures No. 1) Bill 2016 be referred immediately to the Economics Legislation Committee for inquiry and report by 10 March 2016 (see appendix 5 for a statement of reasons for referral); and

(d) the provisions of the Transport Security Amendment (Serious or Organised Crime) Bill 2016 be referred immediately to the Rural and Regional Affairs and Transport Legislation Committee but was unable to reach agreement on a reporting date (see appendix 6 for a statement of reasons for referral).

3. The committee resolved to recommend—that the following bills not be referred to committees:

• Aged Care Legislation Amendment (Increasing Consumer Choice) Bill 2016
• Business Services Wage Assessment Tool Payment Scheme Amendment Bill 2016
• Dairy Produce Amendment (Dairy Service Levy Poll) Bill 2016
The committee recommends accordingly.

4. The committee considered the following bill but was unable to reach agreement:
   - Commonwealth Electoral Amendment Bill 2016

5. The committee deferred consideration of the following bills to its next meeting:
   - Automotive Transformation Scheme Amendment (Securing the Automotive Component Industry) Bill 2015
   - Biological Control Amendment Bill 2016
   - Corporations Amendment (Publish What You Pay) Bill 2014
   - Social Security and Other Legislation Amendment (Caring for Single Parents) Bill 2014
   - Tax Laws Amendment (Norfolk Island CGT Exemption) Bill 2016
   - Territories Legislation Amendment Bill 2016
   - Passenger Movement Charge Amendment (Norfolk Island) Bill 2016.

(David Bushby) Chair
25 February 2016

APPENDIX 1
Proposal to refer a bill to a committee:

Name of bill:
Corporations Amendment (Life Insurance Remuneration Arrangements) Bill 2016

Reasons for referral/principal issues for consideration:
To consider the implication of the Bill on the life insurance industry and to allow relevant stakeholders to voice their opinions on the Bill.

Possible submissions or evidence from:
Association of Financial Advisers
Financial Planners Association of Australia
Australian Bankers Association
Financial Services Council
Department of the Treasury
John Trowbridge
Life Insurers

Committee to which bill is to be referred:
Senate Economics Legislation Committee
APPENDIX 2
Proposal to refer a bill to a committee:
Name of bill:
Corporations Amendment (Life insurance Remuneration Arrangements) Bill 2016
Reasons for referral/principal issues for consideration:
To allow for additional consideration of the legislation
Possible submissions or evidence from:
Choice
The Association of Professional Advisers
The Association of Financial Advisers
The Financial Services Council
Committee to which bill is to be referred:
Senate Economics Legislation
Possible hearing date(s):
To be determined by the Committee
Possible reporting date:
15 March 2016
(signed)
Senator Fifield

APPENDIX 3
Proposal to refer a bill to a committee:
Name of bill:
Migration Amendment (Character Cancellation Consequential Provisions) Bill 2016
Reasons for referral/principal issues for consideration:
To further investigate potential impacts and unintended consequences of the Bill
Possible submissions or evidence from:
Department of Immigration and Border Protection
United Nations High Commissioner for Refugees
Australian Human Rights Commissioner
Law Council of Australia
Committee to which bill is to be referred:
   Senate Legal and Constitutional Affairs Legislation Committee
Possible hearing date(s):
   To be determined by the committee
Possible reporting date:
   10 May 2016
(signed)
   Senator McEwen

APPENDIX 4
Proposal to refer a bill to a committee:
Name of bill:
   Migration Amendment (Character Cancellation Consequential Provisions) Bill 2016
Reasons for referral/principal issues for consideration:
   The Australian Greens are concerned that the Bill seeks to significantly expand the scope upon which the Minister may cancel a visa on character grounds, including the automatic cancellation of visas on certain grounds and additional Ministerial power to set aside decisions by the Administrative Appeals Tribunal.
Possible submissions or evidence from:
   Refugee legal sector
   Department of Immigration and Border Protection
Committee to which bill is to be referred:
   Legal and Constitutional Affairs Legislation Committee
Possible hearing date(s):
   April or May 2016
Possible reporting date:
   30 June 2016
(signed)
   Senator Siewert

APPENDIX 5
Proposal to refer a bill to a committee:
Name of bill:
   Taxation and Superannuation Laws Amendment (2016 Measures No.1) Bill 2016
Reasons for referral/principal issues for consideration:
   Further examination is required of drafting and implementation issues identified during consultation with sector stakeholders.
Possible submissions or evidence from:
   Treasury
   Australian Taxation Office
Tax academics
Offshore digital service providers
Health and education sector service providers

Committee to which bill is to be referred:
Senate Economics Legislation Committee

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

Possible reporting date:
10 March 2016

(signed)
Senator McEwen

APPENDIX 6

Proposal to refer a bill to a committee:

Name of bill:
Transport Security Amendment (Serious or Organised Crime) Bill 2016

Reasons for referral/principal issues for consideration:
Understand meaning of new secondary purpose in Bill
Understanding how regulations will operate

Possible submissions or evidence from:
Office of Transport Security
AFP
Airlines
Shipping peaks
Airports
Ports Authorities
Transport unions

Committee to which bill is to be referred:
Senate Rural and Regional Affairs and Transport Legislation Committee

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

Possible reporting date:
11 May 2016

(signed)
Senator McEwen

Senator BUSHBY: I move:
That the report be adopted.

Senator MOORE (Queensland) (11:53): I move the following amendment that has been circulated in the chamber:
(1) At the end of the motion, add, "but, in respect of:

(a) the Transport Security Amendment (Serious or Organised) Crime Bill 2016 the Rural and Regional Affairs and Transport Legislation Committee report by 11 May 2016; and

(b) the Commonwealth Electoral Amendment Bill 2016, the provisions of the bill be referred immediately to the Finance and Public Administration Legislation Committee for inquiry and report by 12 May 2016.

In relation to the first bill, there was a disagreement in the Selection of Bills Committee about the reporting date. We seriously believe that there needs to be a longer time for the consideration of an important bill, which we have had concerns about. It went through the House of Representatives very quickly, and we believe, because of the importance of the bill, that there should be an opportunity for it to go to the Rural and Regional Affairs and Transport Legislation Committee for what is not an extensive inquiry and for report back to the Senate by 11 May 2016.

The other element—and I am sure that we will hear a lot of debate around this issue over the next period of time—relates to the important Commonwealth Electoral Amendment Bill. We know that there is a serious need for this particular process to be considered effectively by the Senate. We do not have the ability in the Senate to call for a further inquiry by the Joint Standing Committee on Electoral Matters. We know that there has been a proposal put before the Senate that there be a joint standing committee inquiry. Well, maybe it could be called an inquiry. It is a short-term discussion on Monday where a few people get together to have a chat about this process.

No-one, including the senators who will be sitting around this chamber looking at legislation that will impact on our community in the future, could seriously consider that having a half-day chat on Monday will in any way give people the opportunity to have a full discussion about the important issues that are on the record about the way people in Australia will vote for the senators who will represent them. They will have no opportunity to look at the impacts and weigh up whether the process that was undertaken in the earlier meetings of the joint standing committee will be exactly the same as the attempt to rush this bill through this chamber next week, or whether, in fact, there are more arguments that should be taken into account.

Whenever we move these amendments to the Selection of Bills Committee reports, I come back to the same point: what is this chamber about? This chamber should be about getting fulsome information, having the opportunity to hear from the community about how they feel about an important bill or regulation that has come into this place and then allowing, with the benefit of that information and the views of the people who wish to share in the debate, come to this chamber with the opportunity to exchange views, have debate and come up with a resolution.

There are many times when we will not agree—and this, I believe, is probably one of them—but that does not take away the need for effective consultation and discussion. Our position is very clear. The process that has been given to the Senate to consider this piece of legislation is inappropriate. It reflects the worst type of arrangement—the worst type of concern. We will hear discussion today and next week about shabby deals that are done, about motivations and about what will occur. But the best way to ensure that the community
believes that this is the way we do operate is to not have the opportunity for further discussion on this issue.

We know—and I expect to hear this argument from the government—that the joint standing committee tabled reports in 2014 and earlier in 2015. However, we did not know, at that time, when this piece of legislation was going to be placed before either the House or the Senate. We only found out through the media that the minister was going to bring forward this piece of legislation. There was no form of effective discussion.

This bill is important and, because there is a degree of confusion in the community, as there often is when people are looking at voting practices, the least we can do is have the opportunity of putting the legislation out to public comment again, putting the details of the legislation out there, so that people will understand exactly what their government is proposing that they do in relation to voting practices. That is not too much to ask. It is a simple request. It means that there is still an opportunity for consideration of the process in an effective way through the Finance and Public Administration Legislation Committee.

If there had been a process of a longer, extensive discussion with the community through the joint standing committee, that would have been a good result. But that has been taken away. The opportunity has been removed. The only way that we can have the kind of consideration of the true details of this proposed process is to have an inquiry that would report by 12 May this year. That is the intent of our amendment, and we think that that would allow time for appropriate consultation. (Time expired)

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (11:59): What we see here today is an attempt by a deeply divided Labor Party to frustrate the democratic process of this parliament. Let's be very clear. There is a part of the Labor Party, the backroom operators in the Labor Party, who do not like people across Australia to have the power to determine what they want to happen with their vote, what they want to happen with their preferences. The Labor Party is completely inconsistent in relation to this, because, as Senator Macdonald pointed out, we have a unanimous report from the Joint Standing Committee on Electoral Matters asking the parliament to make these changes, to make these improvements—unanimous—which was delivered back in May 2014 and confirmed again in May 2015—the Labor Party members on that committee have actually been calling on the government to get on with it, to get it in place before the election.

It is not just the shadow minister—who, when I last looked, was still the spokesperson for the Labor Party; the spokesperson for the Labor Party as recently as yesterday—asking us to go ahead and make these changes, even though his party had decided not to go along with them. The spokesperson for the Labor Party, the shadow minister with responsibility for this area, is telling us to get on with it—but it is also the member for Bruce, who, I understand at the time, if not anymore, was the deputy chair of the Joint Standing Committee on Electoral Matters. This is what Mr Griffin said on 18 April 2015:

The government should be acting on these recommendations and, if they're going to, they need to hurry up because they're running out of time.

Essentially, what is before the parliament is, for all intents and purposes, as Gary Gray himself says, about 80 to 85 per cent of the Joint Standing Committee on Electoral Matters recommendations. What we as the government have done is taken the recommendations, we
have consulted widely in relation to them and we have formed the view on the best way forward. It is not 100 per cent of what was recommended, which is, of course, why the bill is going back to the committee for inquiry. It has already been referred to a parliamentary committee for inquiry and for report by 2 March. The Labor Party is deeply divided, so the Labor Party is keen to push this out.

The reason we need to act now is that the Electoral Commission have made very clear that they need about three months to manage an orderly implementation of these changes between the passage of this legislation and implementation on election. We think it is sensible to have a bit of spare capacity in relation to this. On 12 May 2015, Mr Gray, the official Labor Party spokesperson on electoral matters, said:

It would be a travesty. It would be a travesty for Australian democracy if these careful and thoughtful reforms were not in place in time for the next federal election.

**Senator Ian Macdonald:** A travesty.

**Senator CORMANN:** A travesty. And given the advice to us from the AEC, I think it is very important for the parliament to deal with these reforms, in responding to a report by the committee of the parliament that has inquired into these matters, and to put these reforms in place in an orderly fashion, in a timely fashion, and in a time that will enable the AEC to inform the community about the effect of the changes and how they empower them to direct their votes and their preferences according to their wishes, instead of having parties direct what happens to these preferences as a result of secret deals behind closed doors. That is what this reform is all about.

**Senator Wong interjecting—**

**The DEPUTY PRESIDENT:** Order!

**Senator CORMANN:** Let me just point you to an opinion piece that Mr Gray put into *The West Australian* a few weeks:

> These changes will … mean voter intention is reflected in a democratic electoral outcome. They will deliver to voters control over whom they do and do not vote for.
> These reforms are not intended to stifle or prevent the formation of new parties …
> These reforms simply mean that political parties, including my own—
> That will be the Labor Party—

will have to convince the public rather than backroom deal-makers that they deserve their votes.

That is actually what democracy should be all about. Sadly, for the Australian people, what has become apparent is that Bill Shorten is not up to the job of leading the country. When he was faced with the considered advice of a highly regarded shadow minister for this area, on one hand, and the pushing and shoving of the backroom operators in his party, he went with the pushing and shoving of the backroom operators. He did not go with the public interest. He did not go with empowering voters to determine where they want their vote to go. He went with the backroom operators like Senator Conroy, and that is not a good reflection on Mr Shorten. He has failed his test of leadership and today is just another demonstration of it.

(*Time expired*)

**Senator CONROY** (Victoria—Deputy Leader of the Opposition in the Senate) (12:04): I enjoyed that. No wonder Mr Morrison refers to you as the chief bedwetter, Senator Cormann,
after that performance. What we are seeing today is the first serious attempt to disenfranchise Australians—the first serious attempt. That is exactly what is happening today. By Senator Cormann and the coalition and Senator Rhiannon and the Greens opposing this motion, it will be the first of what will become many times that Australians will be disenfranchised by this filthy deal. We all know the time frame for JSCEM. I went to the meeting the other day. The deal had been done. I walked in, sat down and was told: 'Here is what the agenda will be. It will be completed after a couple of hours. People have got a couple of days to put in submissions.' Many Australians would like to have their say on this proposed bill. Although the majority in this chamber have decided that they are not going to get a chance to submit and they are not going to be invited to have their say, I say to those Australians, 'Unfortunately, get used to it.' This bill will disenfranchise three million Australians. I am very disappointed. I listened to Senator Seselja—

Senator Cormann: Gary Gray exposed that as a lie.

The DEPUTY PRESIDENT: You need to withdraw that Senator Cormann.

Senator CONROY: You said 'liar', and you can't.

Senator Cormann: I didn't say it.

Senator CONROY: Yes, you did!

Senator Cormann: I didn't say 'liar'.

The DEPUTY PRESIDENT: You will need to withdraw it, Senator Cormann.

Senator Cormann: I withdraw.

Senator CONROY: I am very disappointed to see Senator Seselja completely mislead the Australian public on television this morning, just like Senator Cormann attempted to do a few seconds ago by interjecting. Let me read to you the analysis circulated by Mr Gray from the Parliamentary Library in the last few days, because it bells the cat. It actually backs up the arguments of those of us opposing this legislation. So I am very disappointed to see completely misleading analysis about the impact of this bill being put forward by those opposite and some others.

Let me be very clear. It says: 'The obvious way to approximate the new system is to first look at how many quotas were achieved by each party as a primary vote. This will indicate how many seats the party is guaranteed to win, and may account for four or five of the six vacancies at a normal half Senate election.' There is nothing remarkable about that. But—and this is where it really matters that people do not just listen to the misleading commentary but read the document itself—the remaining seats will be determined either via preference flows or by whichever party has the largest remainder after the full quotas are allocated to elected candidates.' So in other words: whatever preference flows happen or who has the highest remaining votes. It then goes on to make the following observation: 'The only parties that could reasonably be expected to transfer preferences at sufficient numbers to elect another candidate are the larger parties, the ALP, the coalition and the Greens. Directing preferences consistently under the new system is only possible through how-to-vote cards, and only the larger parties have the infrastructure to distribute these to their supporters across the state.'

This is a ganging-up by two major parties in this country to exclude 3.2 million voters, who did not vote for us. So get used to being disenfranchised. This idea that these votes become
informal is complete and utter bunkum; it is a complete and utter mislead of the Australian public, because what this paper says is that those votes will exhaust because they cannot pass through the system, and the only parties that can get elected are those who have machinery all across the country. So let us be very clear: this paper backs up the analysis that 3.2 million voters are going to get no representation in this chamber. The only people who will are: the Greens, who want 12 bums on their seats in this chamber; the opposition, and we do get an increase but we do not believe—(Time expired)

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (12:10): I—

Senator Siewert: Mr Deputy President, Senator Rhiannon has been seeking the call.

Senator FIFIELD: I am sorry.

The DEPUTY PRESIDENT: I give the call to Senator Wong.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (12:11): The Greens—

Senator Siewert: Mr Deputy President, Senator Rhiannon should have the call.

The DEPUTY PRESIDENT: That is not true, Senator Siewert. Senator Rhiannon has belatedly on a couple of times stood up but well after other senators.

Senator Fifield: I am happy to yield the call to Senator Rhiannon.

Senator Rhiannon: It was not belatedly.

The DEPUTY PRESIDENT: I am here and I am watching, Senator Rhiannon, and I am not going to accept an argument about it. I call in accordance with the guidance that is provided to the chair through *Odgers*. If people want to familiarise themselves with the order of that call, you can find it on page 241—if my memory serves me correctly. Senator Wong is now seeking the call, and I will give Senator Wong the call.

Senator Fifield: Mr Deputy President, I was seeking the call.

The DEPUTY PRESIDENT: You ceded the call.

Senator Fifield: I said I was happy to yield to Senator Rhiannon.

Senator Cormann: He had the call and he yielded it to her.

The DEPUTY PRESIDENT: It is not up to individual senators to determine who gets the call. It is the role of the chair, and Senator Wong now has the call.

Senator Ian Macdonald: Mr Deputy President, I rise on a point of order. I have been here a long time and the chair has always called each side of the parliament alternately. As I recall, Senator Conroy has just sat down. He is from the Australian Labor Party, and you are calling someone from the Australian Labor Party immediately following.

The DEPUTY PRESIDENT: On the point of order, I think that everyone is aware that I initially called Senator Fifield. As Manager of Government Business in the Senate, he does have some precedence in the order of the call. He ceded the call—

Senator Fifield: I will take it back.

The DEPUTY PRESIDENT: No. You have ceded the call. Senator Wong, as the Leader of the Opposition in the Senate, also has some precedence in the order of the call. Again, I can
encourage people to read the guidance given to the chair by Odgers, which is well-established and well-practised. Senator Wong now has the call.

Senator Ian Macdonald: Mr Deputy President—

The DEPUTY PRESIDENT: I have ruled on the point of order, Senator Macdonald. Do you have a new point of order?

Senator Ian Macdonald: You say that Senator Fifield ceded his spot. Okay, if he did, then perhaps what you are doing is correct.

The DEPUTY PRESIDENT: You are arguing on my ruling, Senator Macdonald. I have already ruled.

Senator Ian Macdonald: But he ceded it and it was not accepted, so his call should stand.

The DEPUTY PRESIDENT: I have already said that it is not up to individual senators to determine who gets the call in this place. That is a matter for the chair. I have ruled on your point of order, Senator Macdonald, so resume your seat. Senator Wong, you have the call.

Senator Wong: We saw Senator Cormann in here talking about the democratic process—

Senator Ian Macdonald: There is a practice. There is a convention. What an outrageous abuse. It is completely partisan.

The DEPUTY PRESIDENT: Senator Macdonald, if you are going to continue to reflect on the chair, I will certainly call you to order. I would ask you not to do so.

Senator Ian Macdonald: Mr Deputy President, can I ask that you refer this to the President for a ruling? In the long time I have been there, the chair calls on alternate sides—

Senator Rhiannon: And he has seen Senator Rhiannon trying to get the call.

Senator Ian Macdonald: Yes.

Senator Cormann: This is unprecedented.

The DEPUTY PRESIDENT: Indeed it is not unprecedented.

Senator Ian Macdonald: I ask that you refer the matter to the President for a ruling.

The DEPUTY PRESIDENT: I am happy to do that. You could do it yourself, but I am also happy to do that. I am quite confident that the ruling I have made is in fact consistent with the guidance given to the chair by Odgers. I am certainly not getting an indication that that is not the case. I am happy to stand by my ruling. The Senate has options if they want to disagree with my ruling. But I have made my ruling, and Senator Wong has the call.

Senator Wong: We heard Senator Cormann on his feet talking about the democratic process. Well, there is nothing democratic about the biggest changes to our electoral laws in 30 years being rammed through the Senate in a matter of days. There is nothing democratic about a sham inquiry—a show trial—that the government and Senator Rhiannon want to stage. There is nothing democratic about that.

I look forward to it because I anticipate and hope that everybody listening and watching will watch as the Greens—the great champions of transparency; the great champions of our democracy!—will vote with the Liberals to ensure this does not go to a proper inquiry. And, for all their fine words over years and years about the need for this chamber to properly inquire into legislation and to properly consider all of these matters, what we will see is
Senator Lee Rhiannon, who has done this deal, and all of her colleagues walking over to this side to vote with the government to do over a proper inquiry.

The amendment moved by Senator Moore simply wants an inquiry to report by 12 May. This is not an unreasonable proposition.

This is the largest change in 30 years. They keep going on and saying, 'This has been debated and debated.' When was this legislation introduced into parliament? Was it Monday or Tuesday? It was this week—and they want to ram it through. They have rushed this so much that they have not even got the legislation right. The government had to bring amendments into the House because they forgot to put a provision in that the votes be counted on the night! 'Oops! No voting on the night—no counting on the night!' That is how rushed this is.

**Senator Conroy:** They forgot to count them!

**Senator Wong:** They forgot to count them. Politics does make for some strange bedfellows, doesn't it. We see a former member of the Communist Party and the coalition stitching up a deal to make sure that every other minor party and Independent cannot come into this place. It is good to watch, isn't it! We even saw *The Australian* with the little emails for Richard Di Natale's chief of staff saying, 'These are the latest instructions from Senator Lee Rhiannon.'

This is what you are voting for. I hope the coalition know: you have got a deal that has been stitched up with the Greens. And what we will see is this backroom deal, done in secret negotiations, rammed through this parliament. So let us not have any talk from the other side about democracy and the democratic process.

These are the largest changes in 30 years. This bill that has been introduced is not the same as JSCEM considered. I have said and we have said publicly: we are willing to look at issues in this current system, but what we are not willing to do is to participate in a backroom deal that is being rushed through the Senate today.

**Senator Di Natale:** You are a hypocrite!

**Senator Wong:** I am not surprised Senator Di Natale is yelling at me, because he is supposed to be this moderate, green, polite man, and what he is doing is voting with the Tories to ram legislation through and to ensure this parliament cannot consider the bill properly. That is what is happening. Whatever people's views about what should occur in relation to the voting system—and there are a lot of different ways in which the voting system could be changed—surely no-one can seriously say that the largest changes in 30 years to our electoral system, in a bill that was introduced this week, which has been done so quickly and in such a slapdash manner that the government has already had to amend it—

_Honourable senators interjecting_

**Senator Wong:** Mr Deputy President, I would ask if I could speak. Thank you. Surely none of these people—

_Honourable senators interjecting_

**The Deputy President:** Order!

**Senator Wong:** who are currently baying at me could possibly suggest it is a good thing for the Australian democracy for this inquiry to be rammed through. *(Time expired)*
Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (12:19): I seek leave to move the following amendments to Senator Moore’s proposed amendment together—

Senator Conroy: No, no leave is granted.

The DEPUTY PRESIDENT: Leave is not granted.

Senator FIFIELD: Mr Deputy President—

The DEPUTY PRESIDENT: I have not seen the amendments, so it is hard to get leave to move amendments I have not seen, together. However, you can move amendments to the amendment. You do not need leave to do so.

Senator FIFIELD: Then I move the following amendment:

That paragraph (a) omit “11 May”, substitute “10 March” and omit paragraph (b).

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:20): When we eventually get to vote on this, I ask that the question be divided in relation to the minister's motion, because I indicate that we would be voting differently on those two paragraphs.

Senator Wong: Because some things require transparency and others don't.

Senator SIEWERT: I have the call, I believe.

The DEPUTY PRESIDENT: Yes.

Senator SIEWERT: I ask that the questions be put separately.

The DEPUTY PRESIDENT: It will go through a complex process, but I believe that, as to those amendments, I can put the minister's amendments to Senator Moore's amendments separately, and people may then want to put Senator Moore's amendments separately too, but we will deal with that when we get there.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (12:21): I wonder if we could clarify exactly what the amendment is again? Thank you.

The DEPUTY PRESIDENT: I can do that. As long as I know what is going on, we should be right. So the amendment to paragraph (a) is to substitute ‘11 May’ with ‘10 March’, and the minister has also then sought to delete part (b) in its totality. Is that the amendment, Minister?

Senator Fifield: Yes.

Senator KIM CARR (Victoria) (12:21): I rise to speak to oppose the amendments that the government has moved and to support Senator Moore's original motion. The government, of course, has made it perfectly clear what its agenda is here. The government wants to limit the level of scrutiny and debate about the biggest change this country has seen to the electoral act in a generation. It wants to do it in such a way as to maximise its opportunity to inflict their purge upon this Senate and it does do so in the name of democracy. It demonstrates just the sheer hypocrisy of these arrangements, which of course were entered into as a result of what the minister describes as ‘secret deals behind closed doors’. They are an epitome of the secret deals done behind closed doors.

The government, of course, says that they need three months to maintain their capacity. They are the words that the minister used in here. He wanted a bit of ‘spare capacity’, but what he really wants to do is to tell you the date of the election and he wants to tell you the date on
which they can bring forward their purge of this parliament. The purge of this parliament is aimed at removing dissidents from this government's agenda. But, of course, the truth of the matter is that they are not just trying to get rid of the dissidents, they are trying to get rid of people who have been very loyal to this government, people who have in fact voted with this government for 99 per cent of the time. But their loyalties, their acquiescence to this government's agenda, is treated with a contempt—the contempt that this government have always had. Their purge is about removing people that actually have been voting with this government as well as those that are opposed to their rhetoric. Well, so be it, but we will not be going along with that proposition.

The joint house committee recommended a series of measures. The minister himself says that this is not the same measure. I have just had a look at the bill and the general outline of the explanatory memorandum which clearly acknowledges that it is not the same proposition as the joint house committee. But then the minister says, 'Well, we'll have another joint house committee'. Of course, that committee would effectively be a morning tea so that they can endorse this quick and dirty arrangement that has been entered into between institutionalised Greens, who want to institutionalise their position within this parliament, and a conservative government that want to purge dissidents in this chamber. Of course, this is exactly what this is about.

Where did we learn about all of this? Well, you have to rely on media speculation. It is not about openness and transparency. It is not about allowing people to have a look at the details of these measures. It is about exercising a political agenda that the government have in place so that they can pursue a political agenda to get rid of those that have a different view about the nature of the conservative policies that they are pursuing. Now, of course, we have the Greens to tell us how virtuous they are. Senator Di Natale, you are like a virgin in a brothel. You behave in such a way that you try to present to the Australian people something you are not. You are nothing but a political opportunist.

The DEPUTY PRESIDENT: Order! Senator Carr, if you will resume your seat. Senator Cormann on a point of order.

Senator CORMANN: On a point of order, I think that there is a provision in the standing orders which prevents a reflection on senators in this chamber, and I think Senator Carr just, in the most obscene ways, inappropriately reflected on a senator in this chamber.

Senator KIM CARR: Senator Di Natale has behaved in a despicable manner. He has sought to misrepresent himself as something pure and above the political fray. He has done nothing but to seek to ingratiate himself as the moderate voice of the Greens in this country. He has become a quisling of the Liberal Party, who is determined to do anything necessary to suck up to this government and to behave in a way which I think is quite dishonourable. What we have here before us is the raw exercise of political power. It does not have anything to do with transparency. It does not have anything to do with democracy. It is about exercising a purge of this chamber to secure the future political agenda of the hard right wing of the Liberal Party, and the Greens should be ashamed of themselves for being associated with it. (Time expired)
Senator LEYONHJELM (New South Wales) (12:26): I indicate my support for Senator Moore's motion and my opposition to the government's amendment. I think I probably qualify as a preference whisperer. I think a preference whisperer is somebody who actually understands how the system works. Those who do not know how the system works want to change it. I know who the preference whisperers are for the Labor Party, for the Greens, for the minor parties and, yes, indeed, for the Liberals. They are the ones who ring me up when I am doing preference deals for my party and say, 'Would you like to do a deal on preferences?' I can name names, if you would really like me too. I can name the names of the other preference whisperers.

Every party has a preference whisperer. It is all done in backrooms. It is all done on the phone. It is not done in the glare of public light. Every party does preference deals. When Bob Brown was elected to this Senate he was elected in Tasmania as a result of a preference whisperer. It resulted in the Democrats votes going to Bob Brown and the Greens winning in Tasmania instead of the Labor Party. That is how it works. The point about it, of course, is that we are debating how much time the committee should take to understand what is being proposed. The assumption that even the government knows what it is proposing seems to me to be contradicted by the evidence. The evidence would suggest that they do not know.

The DEPUTY PRESIDENT: Order! Time for this debate has now expired. Let me just recap where we are to try to limit any confusion in the chamber. Senator Bushby has moved a motion, Senator Moore has moved an amendment to the motion, Senator Fifield has moved an amendment to Senator Moore's amendment and there is a request to split the amendment to the amendment and put it into two questions. So the first question will be to substitute—

Senator MOORE (Queensland) (12:29): I am not trying to make it more confusing for you, Mr Deputy President, but I seek leave to have an extension of time for this discussion as we have a number of speakers who have not had a chance to contribute.

Leave not granted.

Senator MOORE: Under the provisions of the standing orders, I seek leave to suspend standing orders to discuss this issue.

The DEPUTY PRESIDENT: My advice is that I should be dealing with the question that is before the chair. However, I can entertain such a question from you, Senator Moore, in between the questions. There are a number of questions that are to be put. The first question is that—

Senator Moore: Mr Deputy President, I rise on a point of order to do with the position of the chamber. I have just received the amendment. There has been one copy distributed to me. I am just checking that everybody has received a copy of Senator Fifield's amendment. Mr Deputy President, we also just wanted to be clear on what we were debating.

The DEPUTY PRESIDENT: I am going to attempt to be clear for everybody.

Senator Ludwig: Mr Deputy President, I rise on a point of order. As I understand it, in moving an amendment it must be in writing and signed by the proposer. I do not have that amendment before me. It has not been circulated in the chamber. I think it should be, in all fairness, circulated in the chamber so that all senators may have a look at what the amendment is.

Honourable senators interjecting—
The DEPUTY PRESIDENT: A little bit less help from everyone in the chamber would be good! You are correct, Senator Ludwig. But I in fact do have a copy of the amendment to the amendment in writing, and it is signed and it does comply with the standing orders. As I have indicated, it has been requested that the question be separated. The first question is that, in paragraph (a), '11 May' be substituted with '10 March'. The question is that that motion be agreed to.

The Senate divided. [12:37]

(The Deputy President—Senator Marshall)

Ayes ...................... 28
Noes ...................... 37
Majority ................. 9

AYES
Abetz, E
Bernardi, C
Brandis, GH
Canavan, MJ
Edwards, S
Fierravanti-Wells, C
Heffernan, W
Lindgren, JM
McGrath, J
Nash, F
Ruston, A
Scullion, NG
Sinodinos, A
Williams, JR

Ayes ...................... 28
Noes ...................... 37
Majority ................. 9

NOES
Brown, CL
Cameron, DN
Collins, IMA
Dastyari, S
Di Natale, R
Gallagher, KR
Ketter, CR
Lazarus, GP
Lines, S
Ludwig, JW
McEwen, A
McLucas, J
Muir, R
Rhiannon, L
Siewert, R
Singh, LM
Urquhart, AE (teller)
Waters, LJ
Wong, P

Bullock, JW
Carr, KJ
Conroy, SM
Day, RJ
Gallacher, AM
Hanson-Young, SC
Lambie, J
Leyonhjelm, DE
Ludlam, S
Madigan, IJ
McKim, NJ
McKenzie, B
Moore, CM
O'Neill, DM
Rice, J
Simms, RA
Sterle, G
Wang, Z
Whish-Wilson, PS

CHAMBER
Question negatived.

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (12:40): Mr Deputy President, as there is likely to be a change in the outcome in the next vote, I request that you ring the bells for four minutes. Senators have already left the chamber and they should be advised that there is a change on the floor in the way people are voting.

Senator Cormann: The doors are locked!

Senator CONROY: People left before the doors were locked.

Government senators interjecting—

Senator CONROY: No, we decide who our pairs are, not you.

The DEPUTY PRESIDENT: Senator Leyonhjelm, were you seeking the call?

Senator Leyonhjelm: I had the call before the cut-off and I was wondering whether I was going to get it back again.

The DEPUTY PRESIDENT: The debate has expired. The next question I intend to put is that paragraph (b) of Senator Moore's amendment be deleted.

Senator CONROY: I am seeking that you ring the bells for four minutes.

The DEPUTY PRESIDENT: I have to put the question. I will only ring the bells if there is a division. The question before the chair now is that paragraph (b) be deleted.

The Senate divided. [12:46]

(The Deputy President—Senator Marshall)

<table>
<thead>
<tr>
<th>Ayes</th>
<th>Noes</th>
<th>Majority</th>
</tr>
</thead>
<tbody>
<tr>
<td>39</td>
<td>27</td>
<td>12</td>
</tr>
</tbody>
</table>

AYES

Abetz, E
Bernardi, C
Brandis, GH
Canavan, MJ
Di Natale, R
Fawcett, DJ
Fifield, MP
Heffernan, W
Lindgren, JM
Macdonald, ID
McKenzie, B
Nash, F
Reynolds, L
Rice, J
Ryan, SM

Back, CJ
Birmingham, SJ
Bushby, DC (teller)
Cormann, M
Edwards, S
Fierravanti-Wells, C
Hanson-Young, SC
Johnston, D
Ludlam, S
McGrath, J
McKim, NJ
O’Sullivan, B
Rhiannon, L
Ruston, A
Scullion, NG
The DEPUTY PRESIDENT (12:49): The effect of that vote is that Senator Moore's amendment has now been amended. The question I now put before the chamber is that Senator Moore's amendment, as amended, be agreed to.

Senator McGrath: Could you read it out?

The DEPUTY PRESIDENT: Yes, I will ask the Clerk to read it out, if that is what you would like.

The Clerk: The amendment to the motion for the adoption of the Selection of Bills Committee report now stands in the following form:

(1) At the end of the motion, add, "but, in respect of:

(a) the Transport Security Amendment (Serious or Organised) Crime Bill 2016 the Rural and Regional Affairs and Transport Legislation Committee report by 11 May 2016.

The DEPUTY PRESIDENT: I thank the Clerk. The question is that Senator Moore's amendment, as amended, be agreed to.

Question agreed to.

The question now is that the motion moved by Senator Bushby, as amended, be agreed to.
Question agreed to.

BUSINESS
Rearrangement

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (12:51): I move:

That—
(a) That intervening business be postponed until after consideration of No (3) Tax Laws Amendment (Small Business Restructure Roll-over) Bill 2016, No (4) Parliamentary Entitlements Amendment (Injury Compensation Scheme) Bill 2016, and:
(b) government business be called on after consideration of the bills listed in paragraph (a) and considered till not later than 2 pm today.

Question agreed to.

BILLS

Tax Laws Amendment (Small Business Restructure Roll-over) Bill 2016
Second Reading

Debate resumed on the motion:
That this bill be now read a second time.

Senator CAMERON (New South Wales) (12:51): Labor is of the view that it will support the Tax Laws Amendment (Small Business Restructure Roll-over) Bill 2016. I want to go through some of the issues that come from this bill. In the other place, the member for Fraser, Dr Andrew Leigh, opened his contribution on the bill by saying that if you ask a psychologist what 'cognitive dissonance' is they will speak of a situation where a person holds contradictory beliefs or ideas, or acts in a manner that contradicts their stated beliefs or values. As soon as you deal with that definition, you know exactly whom the member for Fraser is talking about—it is our current Prime Minister. The current Prime Minister is absolutely inflicted with cognitive dissonance. He actually holds contradictory beliefs to his stated values. The key to a case of cognitive dissonance is a sense of discomfort that comes from contradictory actions or holding contradictory beliefs at the same time. Can you imagine the sense of discomfort that Prime Minister Turnbull has every time he looks at what the far-right of the Liberal Party forces on him, this weak Prime Minister, this Prime Minister with no backbone, this Prime Minister who will not stand up for what he says are his beliefs, a Prime Minister who has sacrificed his values and principles to become the Prime Minister of this country and is now led by the nose by the worst elements of the Liberal Party, the extremists in the Liberal Party.

The coalition has a leader who believes in different things to what he is actually out there talking about. Well, we think that is the position, because do we ever know now what the current Prime Minister believes in. He does not believe in much, except that he had a great belief in becoming Prime Minister. That is where he has headed and he has sacrificed his values, sacrifices his principles, and sacrificed since long-held beliefs to become Prime Minister. He is a weakened person, a weak Prime Minister, and certainly is not fit to be the leader of this country.
This bill clearly demonstrates the coalition's ready embrace of ideas and actions that contradict one another. On this side we welcome the measure as it allows small business to restructure with greater ease. That is why we support this particular bill. Restructuring is important—being nimble. We hear much about being nimble. We hear much about restructuring. We hear much about flexibility. But the Prime Minister we have talks about these things and does nothing. He is all talk and no action. I remember that great saying from former Prime Minister Keating. It is about being all tip and no iceberg. If anyone was all tip and no iceberg it is the current Prime Minister, Malcolm Turnbull.

It would be remiss of me to shy away from condemning this government for its failure to address the broader picture regarding capital gains tax. Again, the Prime Minister stood up and said, 'Look, we don't want to be intimidated by fear campaigns.' He actually knifed the former Prime Minister, Tony Abbott, on the basis that he was negative and could not maintain a polling position in this country. He knifed the former Prime Minister, Tony Abbott, on the basis that he would lead a different government, a government that listened to the public, a government that would treat the public as having some common sense. He said the public debate in this country would change because it would be about facts, that it would be about the issues. He said the public debate would not be about three-word slogans. But what do we have from the current Prime Minister? We have four-word slogans—

**Senator Heffernan:** Speak English.

**The DEPUTY PRESIDENT:** Order! Senator Heffernan, sit down or get out.

**Senator CAMERON:** Senator Heffernan, I do speak English. If you want to continue that nonsense, it is pretty typical of the intimidation that you have tried to carry out during the whole of your political career. And I will not be intimidated by you.

**The ACTING DEPUTY PRESIDENT:** Senator Cameron, resume your seat. Firstly, Senator Heffernan, it is disorderly to interject when you are out of your seat. I can accept some interjections when you are in your appropriate place. Senator Cameron, you should address your remarks to the chair and ignore Senator Heffernan and his interjections.

**Senator CAMERON:** Thank you, Chair. I will attempt to take your advice and ignore Senator Heffernan, but as you are aware, having been a member of the Liberal Party for many years, ignoring Senator Heffernan is something the Liberal Party has never been able to do. It is something that the prime ministers of this country have not been able to do.

**The ACTING DEPUTY PRESIDENT:** Senator Heffernan on a point of order.

**Senator Heffernan:** Senator Cameron is exactly right. I am concerned about the flight path for Badgerys Creek going over his home in the Blue Mountains, and that is all he is really worried about.

**The ACTING DEPUTY PRESIDENT:** Senator Heffernan, there is no point of order. You are not contributing positively to the debate. Resume your seat. Senator Cameron has the call.

**Senator CAMERON:** Senator Heffernan is exactly right. I am concerned about the flight path for Badgerys Creek airport. I am concerned for my community. I am standing shoulder to shoulder with my community to get a change to the flight path, to get a curfew in Western Sydney, the same as it is in the Eastern Suburbs and the Inner West. It is absolutely no problem. I am glad you reminded me of that issue.
I want to come back to the issue of tax and the issue of the Prime Minister who promised so much and delivered so little, a Prime Minister people are looking at and saying, ‘What does this man stand for?’

The answer is that nobody knows. He is a Prime Minister who basically stands for himself, for No. 1. He is a Prime Minister who will do anything to grab and maintain power, who uses language and rhetoric against the former Prime Minister that he now uses in debates against the opposition. And because the opposition have said we do not want the big end of town, the richest people in this country, being subsidised by the ordinary working families of this country when the rich go out and buy four, five, six, seven and eight investment properties, the Prime Minister has now changed his mind about negative gearing. Sometime ago, in opposition, he described it as a tax rort but he now thinks it is fine. Instead of dealing with the facts, instead of dealing with the clear issue that we all need to deal with, that the structural imbalance in our budget, brought about by the worst Treasurer ever in this country, Mr Peter Costello—maybe we are getting pretty close with the current Treasurer—was brought about by bad economic decisions, by profligate economic and fiscal decisions, by the Howard government, this current Liberal government, led by Mr Malcolm Turnbull, want to put the onus on resolving a budget imbalance, a fiscal imbalance, straight on the working class of this country.

The current Prime Minister, Mr Malcolm Turnbull, said in an interview that he supported every element of that 2014-15 budget—that budget that would have ripped the heart out of any type of financial security for working-class people in this country. He supported that. Because it was unpopular, because the Labor Party drove them back on every one of the key elements of that budget, Mr Turnbull used that budget as another example of why he should lead the Liberal Party. And yet major elements of the budget are still there. This is a Prime Minister who has absolutely no claim to being even-handed, no claim to understanding the needs of working class families in this country. How could he? How could this Prime Minister understand the issues facing ordinary working class families in this country? These are working class families who battle every week to pay their bills; working class families who go through the Coles or Woolies or ALDI supermarket checkouts with their fingers crossed that when they put their card through there will be enough money in their account to pay for their food. That is what we have to deal with in this country—more and more inequality. If there is one person in this country who knows nothing about inequality, it is our current Prime Minister, Malcolm Turnbull—he has absolutely no perception. He has a $50 million mansion overlooking Sydney Harbour—

Senator McGrath: This is class warfare.

Senator Cameron: It is class warfare! Here we go—the right wing of the Liberal Party says that when you point out that the current Prime Minister has absolutely no idea how ordinary families in this country survive it is class warfare. If it is class warfare to look after ordinary workers in this country, I plead guilty. I am going to put the battle gear on and I will be in that war. That is what we need to do, because the working class people of this country need to be protected from the likes of you lot over there. Those with the power, those with the privilege—

The Acting Deputy President (Senator Bernardi): Senator Cameron, address your comments through the chair.
Senator CAMERON: Chair, you have been around for a long time and you understand as much as I do that the issues of working class families are important. We hear baying from the National Party. The National Party has some of the poorest people in this country in their electorates, and yet they come here—

Senator McKenzie: Mr Acting Deputy President, I rise on a point of order. I am pretty confident that the National Party is not mentioned in the legislation before us today that we are debating,

The ACTING DEPUTY PRESIDENT: Do you have a point of order, Senator McKenzie?

Senator McKenzie: I ask that the senator return to the topic of debate.

The ACTING DEPUTY PRESIDENT: Senator Cameron, you have the call. You understand what the bill is about and I ask you to address the bill.

Senator CAMERON: Yes, thanks very much, I understand what the bill is about—
taxation.

Senator McKenzie: And not the National Party.

Senator CAMERON: This is Senator McKenzie, the National Party warrior who lives in Elwood, in inner city Melbourne. She never goes to the bush, she never sees the bush. She lives in inner city Melbourne but is lecturing the Labor Party about country New South Wales. I actually lived in country New South Wales and probably, from what I read about you, Senator McKenzie, for longer than you did. I understand more—

The ACTING DEPUTY PRESIDENT: Senator Cameron, address your comments through the chair.

Senator CAMERON: Chair, I probably understand more about the battles of country New South Wales than Senator McKenzie ever will, given that she is ensconced in her inner-city apartment in Elwood in Melbourne. She never goes to the bush, she never sees the bush. She lives in inner city Melbourne but is lecturing us about country issues when she never goes there. What an absolute joke. When it comes to taxation, working class families need a government that understands what the issues are. If capital gains tax discounts to the big end of town through negative gearing is what this government is all about then we stand up against them. We are in the class war battle against that.

We are going to protect working-class families in this country, because the coalition do not. The coalition have absolutely no perception about the issues for working-class families in this country. They want to distort the tax system so the white shoe brigade in Queensland get all the tax benefits and ordinary working people are paying their full tax whack while their mates who put the money that pays for their campaigns in their electoral accounts get off scot-free. That is exactly what this mob is about.

They are an absolute disgrace with absolutely no comprehension of the key issues for this country. If they had any comprehension of the key issues for this country, they would not be in the chaos they are in now—fourteen ministers in 2½ years have gone down the tube. They are into their second Prime Minister. Prime Minister Turnbull knifed Prime Minister Abbott. What a joke they are! They have the hide to come here and say they look after regional and rural Australia. They have the hide to come here and say they look after ordinary working
Australians. Look at taxation and look at what they did in 2014-15 budget and you will understand that they have no idea what the issues are in relation to working people. They look after the big end of town, because it is the big end of town that looks after the Liberal Party. It is a mutual 'look after' society. One looks after the other. That is the problem we have with this mob in the coalition.

We have a bad government with a weak leader. It is no wonder this government is starting to come under pressure. It is no wonder the Prime Minister looks so sick every time he has to go to the despatch box, because they cannot even run an effective fear campaign. One thing about former Prime Minister Tony Abbott is that he knew how to run a fear campaign. The current Prime Minister cannot even get his frontbench, his cabinet ministers, to understand what the fear campaign is about. Prime Minister Turnbull is saying that house prices will drop, and yet the shadow Finance Minister is saying—what is she? I think she is the Assistant Treasurer or the assistant finance minister—

*Senator McGrath:* Get it right.

*Senator Cameron* (New South Wales) (13:10): She is so hopeless I am not sure what she is. She says that house prices will rise. So you have prices rising, prices falling—what is this scare campaign? You do not even know how to get it right. You are so incompetent as a government that you cannot even get your lines right amongst the cabinet ministers. At the same time, when Prime Minister Turnbull is talking about these house prices falling, go out to the western suburbs of Sydney, go out to Parramatta, and look at a tarted up three-bedroom housing commission house going for $910,000. That is what we have in house prices. If you talk about distortions in the market, what is more distorted than a fibro, tarted up housing commission house in the western suburbs of Sydney costing a person $910,000?

How do young people get into housing? They do not get any housing by the continuation of capital gains tax rorts for the big end of town. They do not get in that way. They do not get any housing under the tax policies that Prime Minister Turnbull has. The government are too busy looking after the investors—the big end of town—with millions of dollars in their back pocket to get up to five, six and seven houses.

*Senator McGrath:* It is the mum and dad investors!

*Senator Cameron:* The argument is that it is the mum and dad investors. What a load of rubbish! Here we are again with the coalition having absolutely no understanding. I will tell you who I would rather look after. I would rather look after my grandkids and my kids. I would rather look after the kids around this country who want to get a house—and who want to get a decent price on a house. They are the ones who are important, not the big end of town investors that pay your electoral fees and make sure that you stay on the coalition side. They are the ones that need to go. *(Time expired.)*

*Senator McKim* (Tasmania) (13:13): The Greens strongly support the Tax Laws Amendment (Small Business Restructure Roll-over) Bill 2016. We think it is good legislation that will provide much-needed relief to small business owners to allow them to change the legal structure of their business in a way that provides flexibility and support whilst they are doing so. The current problem is that rollover relief is not available for a company or a small business that wishes or needs to restructure to become, for example a sole trader, a partnership or a trust.
This bill seeks to extend the rollover relief to include the transfer of assets from a company to a sole trader, partnership or trust, as long as it occurs on or after 1 July this year. The legislation allows businesses to defer the gains or losses that would have resulted when the assets were transferred from the old entity to the new entity. Importantly, to be eligible for the rollover, it must be a small business entity in the income year in which the transfer takes place and an entity that satisfies the maximum net asset value test at the time of the transfer.

This bill is designed, and rightfully so, to help small businesses that may have, for example, originally chosen an inappropriate structure—that is, one that does not necessarily suit the small business or the circumstances that exist. It is also designed to help small businesses whose circumstances have changed and, potentially, small businesses who may wish to keep growing and expanding and want to change the structure of their business to enable that growth and expansion. In general terms, it is aimed at restructures where ownership of the business does not change.

It is often said, because it is true, that small business is the engine room of the Australian economy. In our country right now, small business employs around 4.5 million Australians. That is almost half of the Australian workforce. Crucially, small business gives many Australians the chance to back themselves, to take risks and achieve rewards, to innovate and to test new ideas. It is absolutely crucial that our legislative framework provides flexibility for small businesses and the capacity for small businesses to compete with large corporations on a level playing field. Currently, of course, that is not the case; small businesses in Australia do not have a level playing field on which to compete with large corporations.

One of the ways that we could mitigate that situation would be to introduce an effects test, as recommended by the Harper review—one of the most comprehensive reviews of competition policy ever undertaken in this country. An effects test is something the Greens have long supported and advocated and will continue to campaign for in the lead-up to the election later this year, whenever that may be, and beyond that election, until an effects test is introduced in this country so that small businesses can compete with large corporations on a level playing field.

There are two political parties in this place that are on the record as supporting an effects test—that is, the Nationals and the Australian Greens. I should also acknowledge that Senator Xenophon supports an effects test, and there may be other Independents or crossbench members of the Senate who do, too. But, in terms of relatively large groupings of people in the parliament, it is worth pointing out that the Nationals support an effects test—and they are to be congratulated for that—as well as the Australian Greens.

We know that big corporations are currently using their massive market advantages to cut out, and in some cases crush, smaller competitors. We also know there are a huge range of stakeholders that support an effects test in this country. The National Farmers Federation is one of those stakeholders because it has seen the impact on its membership, farmers and primary producers, who too often get screwed because they do not have the protection they need in terms of their contracts with big corporations.

In Professor Harper's review, he recommended clear and, in the main, reasonable amendments that could be made to make our business environment fairer. As the ACCC have repeatedly said, current competition laws are inadequate for dealing with things like strategic land banking, retaliatory threats, capacity dumping and vexatious legal action.
In that context, it is worth members being aware that the second review of an effects test, which was announced by Treasurer Morrison late last year, is still underway but that, as part of that review, the ACCC’s submission has been published. It is also worth members being aware that the ACCC say in their submission that there are many ways companies can seek to prevent their competitors from competing on their merits. That is what the Greens want to change. We want to see a level playing field so that companies can compete on their merits and so that small companies are not disadvantaged against big companies merely because of their market power or the size of the business.

The ACCC also say in their submission, referring to the Competition and Consumer Act:

… section 46 does not effectively address a range of anti-competitive conduct …

The ACCC give a number of examples of such conduct that are currently happening but that are unlikely to be deemed anticompetitive behaviour under the act. Those examples include tying up customers in long-term contracts with anticompetitive rebates; freezing out competing suppliers from retail display and demonstration opportunities; joint marketing fees, where dominant retailers ask their suppliers to pay them 20 per cent of the sales price to market those products; retaliatory threats involving businesses trying to lock out other firms from certain markets; and locking up supplies so that a firm can capture 90 per cent of the available supply in the market. Large corporations are engaging in such anticompetitive practices, but our watchdog has not been given the teeth it needs by this parliament to take on those companies through the Australian legal system. Basically, the ACCC has been rendered somewhat toothless in these areas by this parliament’s refusal to introduce an effects test.

As I said, there are two parties in this place that support an effects test. There are two that currently do not: the Liberal Party and the Labor Party. The Liberal Party says it will consider its position once the Treasury review has been completed and the government and the relevant minister, the Treasurer, have had an opportunity to consider the outcomes of that review. Now, we thought it was a no-brainer once Professor Harper recommended an effects test in Australia. We certainly believe that Professor Harper’s recommendation of an effects test should have been endorsed by the government in Treasurer Morrison’s original response to the Harper review. If that had happened, we would now be debating an effects test and how to deliver a level playing field for all businesses in this country. It is very disappointing that we are not doing that.

I do not intend to let the Labor Party off the hook. We heard contributions yesterday from Senator Dastyari and today from Senator Cameron about the nexus between the Liberal Party and the major corporate players in this country. Those comments have merit, and they are based in truth. There is too much power wielded by big corporates in Australia. But the Labor Party itself should stand condemned for its refusal to back an effects test, which comes about because of the strident opposition to an effects test by the SDA, one of the most powerful unions inside the ALP machine in Australia today.

What we are seeing is what former minister for small business Bruce Billson infamously and correctly said about an effects test:

If there is no change then that will be a triumph of lobbying over logic. It would be a triumph of backroom political machinations over good economic policy-making for our country.

Both the Liberal Party and the Labor Party stand condemned for, as Mr Billson said, a triumph of backroom political machinations over good economic policymaking for this
country. There are different backrooms, different machinations, different power cabals in those two parties, but, in effect, they are the same. As I stand here today, there is a refusal from both the Liberal Party and the ALP to back an obvious no-brainer of a reform in this country that would let small business compete on a level playing field against bigger business, big corporations and the top end of town. No-one is asking for the playing field to be tilted in favour of small business. What we are asking for is for small business to be given a chance to compete on a level playing field with the top end of town, because, currently, they are significantly disadvantaged by the fact that the playing field is tilted so strongly in favour of large corporations.

The Greens have consistently backed small business in this country, and we will proudly continue to advocate for small business in this country. We took a policy to the last election of a two per cent tax cut for small business. We acknowledge that since that election 1.5 per cent of that two per cent was delivered in the last Hockey budget. However, that still leaves an opportunity for political parties and candidates in the upcoming election to put out a strong small business policy, including potential further tax cuts for small business and also, for example, a stronger, more powerful Small Business Commissioner. An improved Small Business Commissioner would be a more effective representative for the small business community, would provide a brokerage service between small business and large business and would support and encourage research in Australian small business trends to help policymakers better understand the sector. If we legislate for a stronger, more powerful Small Business Commissioner, it would make it more difficult for that position to be abolished in the future.

This legislation is good legislation. It will help small business become more flexible. It will help small business to innovate. It will help small business to grow. It will help so many Australians achieve their dreams of setting up a small business in an area where they have expertise or an interest, where they believe they can make a contribution to our community, where they can be proactive and where they can get in and work the often horrendously long hours that small business owners work. I have been employed by small businesses and I have operated as a sole trader in the past. I know from personal experience how hard many small business owners and employees work. They do not have the economies of scale that large businesses and corporations have, so they have to multitask; they have to work long hours. You spend a lot of time away from your family and your sporting clubs or other organisations in the community that you might volunteer for.

This is why we are supporting this legislation so strongly. It will provide flexibility for small businesses who may have chosen the wrong structure to start with, whose circumstances may have changed, or who simply want to keep growing, expanding and contributing positively to our community, our economy and our society.

Senator DASTYARI (New South Wales) (13:27): I want to acknowledge the contribution that Senator McKim made. He made reference to Professor Harper's incredible body of work and, in particular, the review that he recently did for the government, which made a lot of interesting suggestions. I note that there is an ongoing debate in the country regarding the value of an effects test and, for those who are interested in the different perspectives, the Harper review provides an insight into the case for one.

---

CHAMBER
Labor welcomes this particular measure, as it will allow small business to restructure with greater ease. The Tax Laws Amendment (Small Business Restructure Roll-over) Bill 2016 is a good piece of law. It is a piece of law that is worthy of the tripartisan support that I have no doubt it will be get in this chamber. But this bill also highlights what is missing. The issue is not just what is in this bill but, particularly when it comes to small business, what has not been included in this bill. There is a bigger, broader picture regarding capital gains tax that has been ignored by this government—and, I believe, wrongly ignored by this government.

Australians are increasingly aware that an unsustainable budget setting regarding the capital gains tax discount and its interaction with negative gearing is having a detrimental effect on the Australian economy. We know the contribution these settings make to housing affordability—or, more accurately, the unaffordability—particularly for young home buyers. There is a real challenge at the moment in our major cities—places like Sydney—when it comes to housing affordability and how it impacts on younger Australians and young families in particular. There is nothing wrong—and we should certainly be supportive of what has been an Australian ideal or goal—with people wanting to own their own home. It is part of our culture. It is part of our identity. It is very different from, say, the European example where the concept or idea of owning your own home is not really part of the social fabric; but it is part of Australian society. Increasingly, we are finding that it is a goal that has become unachievable, that it is a goal that has become impossible, simply because of the way in which property prices have been rising, particularly in Sydney.

What we are talking about here, and I suppose how all this relates, is the tax distortions and subsidies that already exist. While we are looking at these types of measures for restructuring small business with these tax laws amendments, we also need to be looking at other parts of this that we can and should be including. A Saturday morning in Sydney has become like The Hunger Games, as I said yesterday, where you have families out there, young families in particular in certain markets and in certain circles that perhaps I travel in, competing to buy into the Sydney housing market—a market that, frankly, they increasingly cannot buy into, because these tax distortions have encouraged investors to purchase existing housing stock rather than boosting the supply of new housing stock. This is where I talk about negative gearing and its interaction with capital gains tax. Ninety-three per cent of new investment loans go to people buying into the existing housing stock. The real concern is that we have a fairly grown-up debate here as a nation about what we can do to make sure that the next generation of young Australians are able to afford and buy their own home. I believe the debate around negative gearing is an important part of that. I also want to note it is not the only part of that.

The Senate Economics References Committee recently did some work—and I note, Mr Acting Deputy President Back, that you were involved in a little bit of it—looking at house affordability across the nation. Some fairly big recommendations came from that inquiry. Negative gearing is a very, very important component of that. I think it is big part of that. I think we also have to look at some of the other matters such as right-sizing and making sure that people are moving into appropriate housing—but that is a debate for another day. What I am here to talk about are tax distortions, which, contrary to proclamations made by the Treasurer, disproportionately benefit high-income earners. This is what you have with the negative gearing regime as it currently stands. Seventy per cent of the benefits of the capital
gains concessions go to the top 10 per cent of income earners. These capital gains subsidies cost $4.2 billion in 2014, and that is projected to double to $8.6 billion in 2019. The government commissioned its own FSI, Financial Systems Inquiry, and one part of it had this headline: ‘Major tax distortions’. It said that the capital gains tax concession was one of them. The inquiry pointed out—and, again, these are not my words; they come directly from the inquiry—that more jobs and more growth would result if the capital gains tax concession was reduced, as capital will become better allocated in the economy. So there are proposals out there to fix capital gains tax concessions and negative gearing, and I think doing so would be an enormous win for Australians and the Australian budget.

What has so far been proposed by the shadow Treasurer, Mr Bowen, in the other place, is a measure that will deliver $32.1 billion over the next decade. The proposal is to halve the capital gains tax discount for all assets purchased after 1 July next year. This will reduce the capital gains discounts for assets that are held for longer than 1 year, from the current 50 per cent to 25 per cent. I want to make it clear that, under this type of proposal, investments made before 1 July 2017 are not affected, and it will not affect investments made by superannuation funds. Also, the capital gains tax discounts will not change for small business assets. This will ensure that no small business is worse off under these changes. I want to stress that previous assets are not going to be affected. It will also mean that, if you currently live in your own home or if you purchase a home before 1 July next year, should you in five or 10 years time choose to move out of your home and move into another property and then negative gear that property, that would be allowed under the proposal being put forward by the Labor Party. It really is a no disadvantage test for those who may have purchased a property under an existing set of rules. The reason for this is fairly transparent, but I think it deserves to be outlined.

What we are saying is that the existing set of laws is a distortion. It is not helping the economy and not serving the purpose that should be being served. That said, we also acknowledge that a lot of people who purchased a property under these rules, with this set of laws in place, are doing the right thing. I come from a growing migrant community in Sydney, and I spend a lot of my time working with migrant communities. It has been a cultural tradition amongst a lot of migrant communities to invest in property rather than in things like shares or businesses or other types of assets simply because of the security of bricks and mortar investments. A lot of people did that to provide for their own retirement. They did that as their own form of superannuation over the years to make sure that in retirement they would have some source of income.

We are saying that even though we now believe that the negative gearing structure, as it currently exists, is not serving the purpose that it should be for the overall economy, individual investors who played by one set of rules should not be disadvantaged by the law changing suddenly or radically around them.

Labor strongly believes in giving confidence and certainty to small business and investors, which is demonstrated by this policy. This really does stand in contrast to the failure of the government to provide real tax policy. We had this situation where, over a long period of time, there was a lot of rhetoric coming from the government about all this amazing work and things that were going to happen in relation to a serious tax plan for the future of the nation. There was the process we went through with the tax white paper. We were all told that there
would be this detailed analysis and report. The figures are that over $1 million of work was done on it. I believe that there was a team of five people working out of the Treasurer's office just on this paper itself. All of it came to nothing. We had a 'debate' about increasing the GST. Frankly, it was not a proposal that I necessarily supported, but sometimes having these debates as a nation can serve a purpose, if only to highlight why it is a bad idea. But then, in the dead of the night, that was shut down as well.

It really looks like we are heading towards an election without any real tax policy or proposal from the government. Those on this side of the chamber are obviously limited in knowing what is and is not actually going to be taking place. We are not party to some of the more private conversations. But certainly the commentary, including the front pages of the Fairfax papers today, makes for some fairly grim reading about the failure of the government to have any kind of a bold, exciting, innovative new plan for taxation.

So Labor supports Australia's two million small businesses. I want to illustrate further some of the policies to do that. In Australia, 97 per cent of businesses are small enterprises. Labor introduced a permanent instant asset write-off when it was in government to benefit of these small businesses. The record of the coalition shows that it scrapped this measure, only to bring it back as a temporary version in 2015. Another Labor initiative that was dismantled by this government was the loss carry-back measure. That was a measure that allowed companies and businesses that were taxed to carry back losses of up to $1 million to offset taxable income from an earlier year. That was a recommendation of the Henry review—one of the most sensationaly well-done, rigorous and broad-ranging tax inquiries—and it was conducted for the previous Labor government.

We are still yet to see any evidence that the current government is serious about rigorous and broad-ranging tax reform, because again we have not seen a proposal. It does not appear that the tax white paper is ever going to be released. We recently heard the head of Treasury say his department were waiting for direction from the government on whether the tax whitepaper was alive or dead. More recently, it has been given, as I understand, the final nail in the coffin. The little that we do know about the tax white paper process is that we can calculate that it cost over $1.1 million on consultant fees alone—that is not to mention the incredible amount of time from the department staff that gets spent on these kinds of matters. Again, this is something which the Minister for Finance flippantly referred to as 'stationery' in his contribution in this debate.

The government's haphazard approach to reform, coupled with dramatic budget cuts to essential services, really does create a sense of unease for Australian businesses and for Australian families. It is no surprise that confidence has really slumped since the 2013 election. We have seen a slash-and-burn approach when it comes to so many different social policy areas. Yet when it comes to tax policy, closing tax loopholes and addressing some of these concerns, there really has been inaction from the government.

This is a bill that I will be supporting and that Labor will be supporting, but there is an opportunity here to go beyond some of these measures and take the opportunity to help small business and to go further when we look at our tax laws and look at a broader, more wide-ranging approach to taxation in order to address some of the fundamental issues. If we are serious about helping Australian small businesses, it becomes vital that we start to address
some of the challenges that are around how international, multinational and larger businesses compete and use our tax laws and tax environment to their own advantage.

Senator McKim gave his views on the importance of an ‘effects test’, which come from a very genuine place. I think there is also an approach in making sure that Australian businesses are not disproportionately impacted by the actions of multinational firms using their tax status and their structures against them. To give you an example, a classic case is an Australian small business and an international business and how they are able to book their actions and events and how that will affect those companies and the tax regimes they fall under. A classic example is the ride-sharing company Uber. The ride-sharing company Uber does not book its transactions as ever having occurred in Australia. So if I book an Uber car today to take me from parliament to the airport, even though the driver may be someone living four streets away and even though I am based here, technically that will be a financial transaction that only ever takes place in the Netherlands. What would happen is that I would be paying the payment to the Netherlands company and the Netherlands company would pay the driver. Putting aside all of the OH&S and other laws that this complicates, what this really means is that that would be a transaction that never took place in Australia for the purpose of taxation.

Let us say there is a small business wanting to do the same thing here in Australia—and, again, let us put aside all our concerns around the taxi industry and this and that, but just run the basic test of an Australian firm doing exactly the same thing: wanting to have a ride-sharing platform—and let us say they want to have a completely online ride-sharing platform. That is not an opportunity that is available to them—or you are simply encouraging them to structure themselves in such a way so as to be competitive, in a way that means they will not be paying taxes in Australia.

That is the really big challenge, I think, in this space. When we talk about competition and the competitiveness of small businesses, I think what we are really also looking at is this. It is not about giving Australian businesses and Australian small businesses an unfair advantage. It is not about putting the thumb on the scales on their behalf. That was perhaps what a lot of the protectionist policies in the past sought to achieve. What we have to do now is to make sure that Australian firms and Australian businesses, especially Australian small businesses that we want to see grow, are not unfairly disadvantaged by being Australian and are not unfairly disadvantaged because of the opportunities and the structures they have before them.

What can be done for small businesses and what can be done for Australian small businesses, in terms of tax laws, on the international front is something that our Senate Economics References Committee, which Senator Ketter now chairs and which I chaired previously, has done a lot of work on. In our final report that will be coming out shortly on international tax minimisation, we will actually be addressing some of the broader concerns about how we create a more level playing field that will better address, fairly, Australian companies.

In conclusion, this is a good bill. It is a bill that is going to allow a restructure to occur for Australian small businesses and it is going to make it a lot more simple. But doing this law and doing this alone does not address some of the major challenges that face small businesses and Australian households.

There are some big areas that can and should still be addressed in the few remaining weeks it appears we have before this double dissolution election which we read so much about, and
those are really in that space of multinational tax avoidance, and certainly we should be looking at some of the distortions around the interaction between negative gearing and the capital gains tax.

That being said, I hope that this bill will be able to be passed through this chamber. We will have an opportunity, once it is passed, to see what other legislation and frameworks and issues can really be looked at in the coming weeks. I note the sparse number of bills that appear to be listed at the moment. Perhaps that would give us an opportunity to bring in some new and exciting legislation in the next couple of weeks.

Senator KETTER (Queensland) (13:47): I rise to make a contribution on the Tax Laws Amendment (Small Business Restructure Roll-over) Bill 2016 and to echo some of the comments made by Senator Dastyari. We understand that this amendment to the capital gains tax regime is helpful, as far as it goes, in terms of allowing small businesses to transfer assets as part of a genuine restructure. Businesses with revenue below $2 million will be able to defer gains or losses that would otherwise be made as a result of transferring business assets from one type of entity to another, so it is a relatively modest change.

It is, nevertheless, a positive step in the right direction. It shows that the government is looking at the issue of capital gains tax at the moment. But I will return to this theme later on.

Whilst the government is prepared to address the capital gains tax issues in relation to this bill, when it comes to other areas it is different. As we know, the Prime Minister has ruled off the table—although there are some differing views about that, but there was an attempt to rule off the table—capital gains tax reform, which is in contrast to the position that Labor has put, where we have a bold policy in relation to reform of negative gearing laws.

The most appropriate structure for a small business may change over time, or a new small business may choose an initial legal structure that it later finds to be unnecessarily complex, so it may be necessary to restructure. Labor understands that, if such a restructure requires a transfer of business assets from one entity to another, such as from a company to a trust, then significant income tax liabilities could arise, creating an impact on cash flow and available capital. So this particular measure will allow small businesses to change their legal structure with greater ease, allowing them to defer gains or losses that otherwise would have been realised when business assets are transferred. We understand that this is important for small businesses for economic growth and for prosperity. And we understand the pressures that small businesses find themselves under when faced with unnecessarily rigid legislative structures. This bill does allow flexibility, and that is why Labor supports it.

This is in keeping with our previous attempts to make life easier for small business. Labor did introduce a permanent instant asset write-off, which benefited two million small businesses, when we were in government.

But what did the coalition do when it came into office? It immediately scrapped that measure and then brought back a temporary instant asset write-off which expires in the middle of next year. There is no sound economic argument for cutting off the instant asset write-off. It is a political not an economic decision.

I want to just return to the efforts by the government to reform the instant asset write-off in 2014. I think this illustrates the extent to which this is a government that does not understand small business. The measures that were introduced in 2014 actually caused the small-business
community to be aghast at this government's changes. We know that the government has secured a deal to reduce the small business instant asset write-off from $6,500 down to $1,000 and then, on 9 September 2014, the government announced that it was going backdate that change to January 2014. This led to small businesses facing a tax bill, and we know that Peter Strong from the Council of Small Business Australia was absolutely incredulous that the government could backdate a tax increase. We know that a deal was done with the Palmer United Party and other senators to make those changes. So the thousands of small businesses, which in good faith took advantage of the write-off, were going to then face a tax bill. Mr Strong, in an interview on the ABC, said:

We really did hope that they would keep it in place until the tax white paper came out, which I think is the much more logical approach to this.

They were Mr Strong's comments in 2014. We now know the tax white paper process seems to have been an illusion created by government, which does not know the direction it is heading. It must be incredibly frustrating for small businesses to plan ahead. Mr Strong had other comments to say at the time about this incredible decision of the then Abbott government. He said:

... of course we shouldn't assume that small business people wake up every morning and go and read the latest news from Treasury—they have a business to run. So some of them won't know about this until they visit their accountant.

Mr Strong was also incredulous about the fact that you do not put these changes through halfway through a financial year. He said it was confusing:

… especially when it affects 2.1 million people who employ 4 million or 5 million other people.

Whilst we do understand that this particular measure that we are discussing today is a small and positive step, let us not be under any illusions that this particular measure represents economic leadership, or that it represents an appreciation by the government of what is actually in the best interests of our economy or the small business sector. Mr Strong went on to say:

The mining tax repeal has helped big business and not small business. It's actually confused small business people.

He talked about these things being a very, very poor decision, and he was particular concerned about the fact that he received no explanation from this government about the rationale for the change. This means that it is very, very difficult for business to develop any confidence with their business planning. This is illustrative of this government's short-term approach.

Yesterday I spoke in this chamber of the key ways to promote what is called 'inclusive prosperity' in this country, which is to take a long-term view when making policy. This is the responsible way to demonstrate economic leadership which Labor takes very seriously. When it comes to economic leadership this government's lack of direction is patentely obvious for all to see. It is in the mixed messages and the confusion about their policies—they are confused themselves about what their policies do or what they are—combined with their practised skill at saying nothing and then repeating it. It does not fool the Australian people. They know only too well that driving the economy forward is a serious matter. It is not a game as the Treasurer implied in his embarrassing speech, last week at the National Press Club, when he compared forming a tax policy with a test match rather than a 2020 Big Bash. This is not a game, and
the way he prodded, pushed and padded away for the best part of an hour without putting any runs on the board proved beyond doubt that this is a government which has no game plan. It has no plan and no policy to deal with the fact that we all agree that tax reform is urgently needed in this country.

In stark contrast to the government, we in the Labor Party have a coherent set of policies for a stronger economy and, as I foreshadowed in my earlier comments, we have presented a detailed plan to roll back negative gearing on investment property and restricting it to new developments from July 2017. It is a specific plan that has been given the seal of approval by independent modelling from the a ANU's Centre for Social Research and Methods, which showed that our plan would generate billions of dollars in revenue with the vast bulk of revenue coming from the top 10 per cent of households who negatively gear their properties. The government's response to that plan has been scaremongering, contradictions and bluster. What the government has not been able to show you is how it proposes to lead the economy, and this is what Australians are desperate to hear.

When it comes to Labor's plans with negative gearing, which also involve a reform of the capital gains tax regime, we know that the commentators are mixed but there is some very interesting support for the proposition that we have put forward. Former Treasurer Hockey, on 21 October 2015, said:

… negative gearing should be skewed towards new housing so that there is an incentive to add to the housing stock rather than an incentive to speculate on existing property.

In relation to Labor's negative gearing policy, former Victorian Premier, Mr Jeff Kennett, said:

I'm very disappointed at the way in which my side of politics are arguing against what I think is an eminently supportable concept that's been put forward by the Labor Party in terms of negative gearing.

Mr Kennett certainly understands the issues in relation to long-term change and what is necessary. Mr John Daley, from the Grattan Institute talked about negative gearing as being a policy that ultimately reduces home ownership, costs the Commonwealth a lot of money in terms of foregone tax revenue— *(Time expired)*

**QUESTIONS WITHOUT NOTICE**

**The PRESIDENT** (14:00): Yesterday I indicated I would come back before question time today in relation to matters raised by point of order in relation to questions yesterday. I also accepted that I would receive submissions from senators. I have received submissions from senators. I received a submission signed by four senators at 11.30 this morning. I have not had time to consider that lengthy submission. So I would like to come back to the Senate first thing Monday with my decision and ruling so I can consider those submissions and also consider further advice. In the meantime, I ask senators to observe the way in which questions are answered in relation to quotations in particular for question time today.

**Defence Procurement**

**Senator CONROY** (Victoria—Deputy Leader of the Opposition in the Senate) (14:00): My question is to the Minister for Defence, Senator Payne. Prior to the last election, Senator Johnston promised to build 12 submarines in South Australia. Two and a half years later, today's defence white paper fails to deliver on that promise. Minister, is it the case that the
government's competitive evaluation process leaves open the possibility of all 12 submarines being built offshore?

Senator PAYNE (New South Wales—Minister for Defence) (14:01): I begin by saying to Senator Conroy: we missed you. The question that Senator Conroy asked is clearly grounded in his experience of having discussed these issues across the chamber with me before. He knows very well what the competitive evaluation process required of the international contributors. It required each international contributor from Japan, France and Germany respectively to provide to the government by 30 November a submission that canvassed a completely international build, what is known as a hybrid build and a completely domestic build. He knows that; yet he apparently chooses to ignore that competitive evaluation process. The government does not. The government is adhering to the competitive evaluation process.

That said, we have today announced in the 2016 Defence white paper that we will acquire 12 submarines for the Australian Navy. All those opposite can do, which is absolutely fascinating after they released an average white paper in 2009 and a completely unfunded white paper in 2013 and placed not one single solitary order for one single Navy vessel, is criticise the government's commitment to acquire 12 regionally superior submarines for Australia. Their record speaks for itself.

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:03): Mr President, I ask a supplementary question. I first acknowledge Senator Payne's generosity in allowing us an early copy of the white paper and also an invitation to its release, which I was unfortunately a little busy to go to. I also acknowledge her generosity in agreeing to reconvene Senate estimates sometime in the near future to go over it. I genuinely want to acknowledge that.

When he was Prime Minister, Mr Abbott repeatedly promised to build the first few offshore patrol vessels in South Australia. Again, 1,300 jobs were at risk. Why have you decided to walk away from Mr Abbott's promise to build the OPVs in Adelaide? (Time expired)

Senator PAYNE (New South Wales—Minister for Defence) (14:03): As I said, we did miss Senator Conroy, but I do understand the busyness of his role. The observation I think is important to make about the offshore patrol vessel competitive evaluation process is that it is underway. When the offshore patrol vessels and the future frigates were announced—they were brought forward on 4 August 2015, as I recall—it was made very clear in that announcement that the future frigates would be built in Adelaide and that the offshore patrol vessels competitive evaluation process did not specify location. We have been through this relentlessly in estimates and in extraordinary detail, specifically for the benefit of Senator Conroy. He apparently has chosen to ignore that.

Let me explore this little observation by one of Senator Conroy's colleagues. This was actually said on 4 August 2014. It was said, 'This naval shipbuilding contract— (Time expired)

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:04): In 2014 Senator Johnston announced a tender for Navy's two new supply ships would be sent offshore because there was an urgent need to forestall a capability gap. But 20 months later today's defence white paper contains no decision on this urgently required capability.
Minister, will you confirm there is no future work outlined in the white paper that would prevent the closure of the Williamstown and Newcastle dockyards?

Senator PAYNE (New South Wales—Minister for Defence) (14:05): I apologise, Senator Conroy, but that sounded a little bit like a non sequitur to me. I am not sure that your observations in relation to Williamstown and Newcastle follow from your question in relation to the naval vessels. But let me be very clear: based on the unambiguous advice of the Department of Defence in June 2014, the coalition government did give first-pass approval for a limited tender between Navantia of Spain and Daewoo Shipbuilding and Marine Engineering of South Korea. That included a staged capability development process, a risk reduction design study to enable the development of the ship's specifications and so on. The problem was that, because no orders had been placed by the previous government for a naval vessel during their entire term, this gap needed to be filled urgently. (Time expired)

Defence

Senator BACK (Western Australia) (14:06): I congratulate the Prime Minister and the minister on the release of the 2016 Defence white paper this morning. Will the minister inform the Senate about the 2016 Defence white paper and specifically what it means for the safety and security of Australia and our citizens?

Senator PAYNE (New South Wales—Minister for Defence) (14:07): I thank Senator Back for his question, his interest and his attendance today at ADFA for the launch of the white paper. As the senator observed, earlier today was the official release of the defence white paper. That was done in conjunction with an integrated investment plan and a new defence industry policy statement. Our nation has extraordinary opportunities for great prosperity and development over the coming decades—that is absolutely true. At the same time, we face very complex security challenges and, indeed, growing uncertainty in our strategic environment.

In the Indo-Pacific region, we are in a period of unprecedented transformation as the balance of economic and political power shifts both within and, in fact, to our region. What this white paper does is present to the nation the Turnbull government's strategy for our nation's future defence and security, and it is the right strategy for a modern Australia in an increasingly complex world. Our strategy and our plans are underpinned by an in-depth assessment of Australia's long-term strategic outlook. In the presentation that we have made today, we have, in fact, presented the most comprehensive defence white paper in Australia's history. What it does is set out the government's commitment to realign defence strategy, capability and resourcing. Most importantly, it will deliver to Australia a more capable, agile and potent Australian Defence Force, which will be ready to respond wherever Australia's interests are engaged—whether that is here within our region or, more broadly, internationally. Given the breadth of our activity at the moment, it very aptly demonstrates the need for this assessment and the timeliness of the 2016 Defence white paper.

Senator BACK (Western Australia) (14:14): I have a supplementary question. Will the minister advise the Senate about Australia's new strategic framework, which she and the Prime Minister set out in the 2016 Defence white paper this morning?

Senator PAYNE (New South Wales—Minister for Defence) (14:14): That is actually a very important question from Senator Back, and I appreciate his interest. What the new
strategic framework for our defence policy focuses on is three strategic defence interests—that is to say, the outcomes we want—and three strategic defence objectives. It is, effectively, what we need our Australian Defence Force to be able to do to achieve those outcomes and to achieve our interests.

All three of the strategic defence objectives have guided the force structure and the force posture positions which are set out in this white paper. They are: to deter, deny and defeat attacks on or threats to Australia and its national interests and northern approaches; to make effective military contributions to support security and stability in our near region; and to contribute military capabilities to coalition operations that support Australia's interest in a rules based global order. This is a methodically and comprehensively prepared prepared white paper that sets Australia up for the future.

Senator BACK (Western Australia) (14:14): I have a further supplementary question. Given the importance of matching resourcing and defence strategy, could the minister inform the Senate about how the 2016 Defence white paper will be funded?

Senator PAYNE (New South Wales—Minister for Defence) (14:14): This is an important aspect of the release which has been made today, because the 2016 Defence white paper delivers on the coalition's election commitment of 2015 to return defence spending to two per cent of GDP within the decade. In meeting this commitment, what the Turnbull government will provide is an additional $29.9 billion to Defence over 10 years.

This defence white paper and the integrated investment plan that sits alongside it—and, indeed, the defence industry policy statement that also accompanies it—is an achievable and costed plan for Australia's future security and defence. We have been assiduous in doing that, because we know what happened to the white papers of those opposite in 2009 and 2013. We know the damage that that wrought on Defence and we have no intention of repeating those mistakes.

Indigenous Affairs

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:14): My question is to the Minister for Indigenous Affairs, Senator Scullion. Can the minister confirm that, on top of the $500 million cut to Indigenous affairs programs in the 2014 budget, the Turnbull government has cut a further $17.8 million? Why is the Turnbull government cutting more money from Aboriginal and Torres Strait Islander programs when the latest closing the gap report shows key targets, including life expectancy, are not on track?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:14): The $17 million that the Leader of the Opposition in the Senate is referring to is the same indexation halted that we have had in years previous. I am not sure why this is particularly exceptional. We have not made cuts out of this area. In previous years, there was a pause on indexation, and that has been the case this year. The reason, of course, why we have had to pause this indexation—as you would well know, Senator Wong, as finance minister in the previous government—is that we have had to ensure that the repairs to the budget is covered right across the portfolios, as it was last year and the year before. This is not a particular cut to a program. As we have said before and demonstrated time and time again in this place, we have been sophisticated enough to ensure
that there have been absolutely no cuts to frontline services under the previous government or under this government.

**Senator Wong** (South Australia—Leader of the Opposition in the Senate) (14:14): I have a supplementary question. Is the campaign steering committee for the closing the gap initiative right to say that the minister's Indigenous advancement strategy, which he referenced, had a '… disproportionately negative impact on Aboriginal and Torres Strait Islander organisations and communities?'

**Senator Scullion** (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:14): I find it very difficult in any circumstances to understand how the investment of multiple billions of dollars in Aboriginal and Torres Strait Islander affairs can somehow have a negative impact. I will say there is no doubt at all that, in repairing how things were being done under the 150 different programs of the previous government, we ensured not only that we were getting value of money but that we were actually getting and buying an outcome.

There are organisations who are unhappy with that; there is no doubt about that. There are organisations that were unhappy that they were replaced with organisations that got the job done—invariably, Indigenous organisations. Ensuring that we employ more Indigenous organisations—an increase of 10 per cent—and ensuring that we are getting the job done with the right providers has offended some providers. There are always going to be those people who say, 'You are taking the money from us and giving it to others.' I do not think that has had a negative impact at all. *(Time expired)*

**Senator Wong** (South Australia—Leader of the Opposition in the Senate) (14:14): Mr President, I ask a further supplementary question. Does the minister support the comments of the member for Tangney, Mr Jensen, who describes Aboriginal and Torres Strait Islander peoples as 'noble savages' and says that government services should not be provided to remote communities because:

… the taxpayers of Australia should not be funding lifestyle choices.

**Senator Scullion** (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:15): In this place, those remarks are usually described as 'unhelpful' by Mr Jensen. No, I do not support his remarks in any way.

**Defence**

**Climate Change**

**Senator Whish-Wilson** (Tasmania) (14:15): My question is to the Minister for Defence, Senator Payne. In the defence white paper today, you outlined a massive increase in expenditure: an extra $30 billion on Defence over the next 10 years. However, nowhere in the defence white paper does it detail any formal increase in the overall threat level to Australia. Can you confirm there has been no change in the threat level and, if so, how does this justify the massive increase in Defence spending?

**Senator Payne** (New South Wales—Minister for Defence) (14:16): I thank Senator Whish-Wilson for the question. I think that if one casts an eye across the white paper itself—particularly in relation to the strategic outlook, Australia security environment and the issues that canvases in the white paper, Australia's defence strategy, the future Australian Defence Force and a number of other aspects of it, including the chapter called 'positioning
Defence for tomorrow's challenges'—what the reader and those interested would see is that we have very carefully and very methodically assessed the circumstances in which we find ourselves now in the early years of the 21st century but also most importantly across the decade hence and the one beyond that.

We recognise that the security environment is, to say the very least, dynamic. It is changing all the time. There is the threat of non-state actors, with which we have men and women of the ADF dealing with every single day in Iraq and Syria—

Senator Whish-Wilson: Mr President, on a point of order: we have always had a security environment like that. I am asking whether we have an official increase in the security threat level in the white paper to justify the expenditure.

The PRESIDENT: There is no point of order. The minister was answering your question directly. In particular, she was just referring—as you rose to your feet—about the constant changes in threat levels.

Senator PAYNE: As I was saying, we do have men and women of the ADF currently deployed in Iraq and Syria, dealing with some of those very, very dynamic changes in Australia's security environment—or security threats, to use Senator Whish-Wilson's words. That is but one example of where we are dealing with a very challenging world environment.

Domestically and within our region, Defence is most definitely involved in and has a focus on this sort of activity internationally because of the sorts of issues that Senator Whish-Wilson has raised. Domestically and then within our region, we also have returned foreign fighters and nearby state fragility. Those sorts of issues are very dynamic ones. The white paper addresses it very directly. I fail to see what Senator Whish-Wilson is referring to.

(Senator PAYNE: (Time expired))

Senator WHISH-WILSON (Tasmania) (14:18): Mr President, I ask a supplementary question. In recent years, and this is the way this has been reported, the government seems to have gone from a budget emergency to a South China Sea emergency. Isn't the massive increase in expenditure announced today simply contributing to a regional arms race that is likely to make us less safe in the future?

Senator PAYNE (New South Wales—Minister for Defence) (14:19): I think that is a very inaccurate characterisation by Senator Whish-Wilson of the issues with which we are dealing. Perhaps that is the preferred approach of the Greens, I do not know. I found Senator Whish-Wilson to previously have taken a rather more sensible approach, it is fair to say. The turn of words that Senator Whish-Wilson used does not really merit a sensible response, or a response, because it is so since simplistic and it is so founded in inaccuracies.

Senator WHISH-WILSON (Tasmania) (14:19): Mr President, I ask a further supplementary question. I would have thought that $30 billion would justify a better explanation than that. Australia has gone through another summer of bushfires and drought that scientists have linked to climate change, including in my home state of Tasmania. We know that these disasters are only going to get worse in the future. Isn't climate change a greater existential threat to Australia's security and wellbeing than tensions in the South China Sea? Why isn't the government spending $30 billion on doing something about climate change?
The PRESIDENT: I will invite the minister to answer the question, Senator Whish-Wilson, but you did deviate a fair bit from the primary question. There is a tenuous link.

Senator PAYNE (New South Wales—Minister for Defence) (14:20): I fail to see how that is supplementary to either the previous answer or the initial question. What the government has done is to very carefully set out a process across our strategic defence objectives and our strategic defence interests, which I outlined to Senator Back in some detail. They should provide the assurance for Senator Whish-Wilson and the Greens of the very strong basis for the decisions made in this white paper.

Northern Australia

Taxation

Senator McLUCAS (Queensland) (14:21): My question is to the Minister for Northern Australia, Senator Canavan. I refer to the minister's statement that:
To protect small businesses we need stronger competition laws like an effects test …
Is the introduction of an effects test in the interests of small businesses in Northern Australia, and is this government policy?

Senator CANAVAN (Queensland—Minister for Northern Australia) (14:21): As I am sure the senator is aware, the government has conducted a widespread root-and-branch review of competition policy. I think it is the first root-and-branch review of competition policy in more than 20 years. Absolutely, the government does believe that strong competition laws are extremely important to our protect small businesses.

That competition policy review, known as the Harper review, has made recommendations to protect small businesses. It has made recommendations on a number of levels, including, as the senator has referred to, in section 46, the misuse of market power provision.

The government has considered the recommendations of that report. It has released a discussion paper and a further paper on the options for that reform, including the original Harper review but other elements as well. And I think it is very important to recognise here that there is not necessarily only one option to fix this issue. The Harper review identified issues with that particular section, but there are many different ways of fixing that.

One thing that I think is very important to point out here is that while the coalition is going through an open and transparent process to deal with this issue to help small businesses, medium-sized businesses and productivity throughout our economy, the Labor Party have no suggestions on the table. They have no options on the table to fix this issue. They are completely marching to the drumbeat of big business in this country, because they do not care to protect small businesses. They have no solutions on the table to help fix an issue that has been exposed, and the government is now considering how we might deal with that issue.

Senator McLUCAS (Queensland) (14:23): Mr President I ask a supplementary question. I refer to the minister's submission to the discussion paper on tax reform in which he supports income splitting between partners to produce a tax benefit of up to $2,000 a year. Minister, is the introduction of income splitting in the interests of families in northern Australia, and is this government policy?

Senator CANAVAN (Queensland—Nationals Whip in the Senate and Minister for Northern Australia) (14:23): I am happy to have an opportunity to talk about how important
stay-at-home parents are and how importantly the coalition views stay-at-home parents. I can see Senator Bullock over there also indicating how grateful he is for me to have this opportunity. What is government policy is our commitment to boost payments to stay-at-home parents with a child below the age of one who receive family tax benefit A. That is a policy that the Labor Party—

Senator Moore: Mr President, I rise on a point of order, and it is on direct relevance to the question. Senator McLucas asked particularly about the introduction of income splitting in the interests of families in northern Australia and whether that is government policy. I am not sure whether we got any answer at all on that issue.

The PRESIDENT: Thank you, Senator Moore. I remind the minister of the question and indicate that he has 27 seconds in which to answer.

Senator CANAVAN: The submission that Senator McLucas referred to was a submission to our tax reform process, and the government is still considering its response to that. I hope it does—and I am sure it does—consider my suggestions on that matter. But I am confident that the only side of politics in this chamber that has the interests of stay-at-home parents at heart is this side. That side are completely ignoring them.

Senator McLucas (Queensland) (14:25): Mr President, I ask a further supplementary question. I refer to the minister's statement that the Renewable Energy Target gets 'less bang for more buck' and is 'one big punt'. Minister, is abolishing the RET in the interests of renewable energy producers in northern Australia, and is that government policy?

Senator CANAVAN (Queensland—Nationals Whip in the Senate and Minister for Northern Australia) (14:25): Senator McLucas, I will not be verballed here through those quotes. I will not be verballed. Absolutely we had concerns about the Renewable Energy Target as a government, and we made changes to the Renewable Energy Target last year. But I have never suggested that the Renewable Energy Target should be scrapped, as you suggest in that question. That is completely incorrect, and that is not how you should have presented that question here. Yes, the government recognised that there were issues with the Renewable Energy Target, and, yes, we made changes to that particular target, because we were never going to get to the ridiculous target put in place by the other side that they had no options for getting towards—

Opposition senators interjecting—

The PRESIDENT: On my left.

Senator CANAVAN: We have made that target 33,000 gigawatt hours. It is a much more realistic target. Renewable energy, like any new investment, is risky. It is a big step change for our country, but we should make sure we put realistic targets in place that we can actually achieve, not pipe dreams that are never going to be achievable.

Defence

Senator MADIGAN (Victoria) (14:26): My question is to the Minister for Defence. Before the government commits to $30 billion of expenditure: a well-equipped defence force could become a museum exhibit if it cannot be supported by adequate logistics in a time of conflict. There are serious concerns about the ability of our defence forces to have a guaranteed supply of fuel in a conflict scenario, given the fact that Australia has no government owned fuel stocks and does not mandate minimum stock levels for industry to
Fuel security is the job of government. How would the government respond to a direct attack on our fuel supply lines?

Senator PAYNE (New South Wales—Minister for Defence) (14:27): I thank senator Madigan for his question. There have been a number of discussions recently, and most recently I saw former Air Vice Marshal John Blackburn making some observations in relation to this. Significantly, while Defence is indeed able to meet its fuel requirements through its own stockholdings, it is important to note that we do in fact have a number of other supply options. Amongst those I would indicate that we have arrangements with our closest allies, who can be relied on should there be an interruption to the general supply of fuel. I understand also in response to Senator Madigan's question, particularly in relation to logistics support, that this is an aspect of the white paper, to which I would draw Senator Madigan's attention. It is an area of enabling capability within Defence that has been significantly underfunded in recent years, and it is one which this white paper most importantly seeks to address and in fact redress.

Senator MADIGAN (Victoria) (14:29): Mr President, I ask a supplementary question. The government does not know the amount and location of fuel stocks in this country because the government does not mandate reporting of fuel stocks, unlike the majority of the developed nations. Does the government see this as a significant weakness in our defence capability?

Senator PAYNE (New South Wales—Minister for Defence) (14:29): I think I indicated in my previous answer Defence's views and in fact the government's views in relation to our ability to meet our fuel requirements through our own stockholdings and the other supply options that we have. I note the concerns that Senator Madigan has raised and will certainly undertake to seek further advice for him if he would like it.

Senator MADIGAN (Victoria) (14:29): Mr President, I ask a further supplementary question. Minister, the government depends on commercial fuel supply chains for our fuel, supply chains upon which we are critically dependent but which the government has no control over. The fuel industry sector cannot be delegated responsibility for our fuel security. Can the minister refer me to where in the defence white paper this critical issue is addressed?

Senator PAYNE (New South Wales—Minister for Defence) (14:30): As I indicated in reference to particularly the logistics aspects of the white paper, that is the point that Senator Madigan should take his reference from, if I may say. But I would not like Senator Madigan to go away from this discussion thinking this is not an issue (a) to which Defence has turned its mind and (b) which Defence works on regularly, given its importance in terms of our day-to-day operations, let alone operations in extremis. That, Senator Madigan, I can absolutely assure you is the case. It is a matter on which we place significant focus and on which we do a great deal of work.

Defence White Paper

Senator REYNOLDS (Western Australia) (14:31): My question is to the Minister for Defence, Senator Payne. I too would like to join Senator Back in congratulating the minister and the government for this really very new approach to defence strategic planning and strategy, so congratulations. Specifically, given the plan to deliver a more capable, agile and
potent ADF, will the minister inform the Senate about the Integrated Investment Program released with the white paper earlier today?

**Senator PAYNE** (New South Wales—Minister for Defence) (14:31): Again, I thank Senator Reynolds for her particular ongoing interest in these matters and in the defence white paper as well. What the Integrated Investment Program does is to bring together all areas of investment in defence capability for the first time, providing transparency and certainty in our defence procurement plans. Given the size of the investment—which a number of senators have referred to this afternoon—in defence capability over the next decade and beyond, this is a very, very important focus through the Integrated Investment Program. It includes, in fact, the critical enablers, some of which I referred to in my response to Senator Madigan, which have been neglected for so long—enablers that are absolutely crucial to supporting the cutting-edge and new capabilities that we will be introducing.

We are going to be acquiring new and enhanced capabilities across the full range of capability domains, whether that is cyber or maritime and antisubmarine warfare, or strike and air combat, or land combat and amphibious warfare. We have set out a comprehensive plan for our future defence across the full spectrum of defence capabilities and enablers.

Not only is the Integrated Investment Program public and externally cost assured; it is also going to be available online and regularly updated to provide a real and functional resource for industry in particular and provide them with certainty, which has most certainly been lacking in previous years. Never before has an Australian government actually released the level of detail on its future plans for defence that we have today with this externally cost assured, 10-year Integrated Investment Program.

Through our defence white paper of this year, through the Integrated Investment Program, we will deliver that more capable, agile and potent Australian Defence Force, which Senator Reynolds has been a proud participant in and so many other Australians serve with great distinction.

**Senator REYNOLDS** (Western Australia) (14:33): Mr President, I ask a supplementary question. Minister, in the light of the need to expand our maritime operations and antisubmarine warfare capabilities, will the minister provide details of those respective capabilities contained in the Integrated Investment Program?

**Senator PAYNE** (New South Wales—Minister for Defence) (14:33): I can provide that detail, because it is an area of defence which was sorely neglected under the previous government. We are going to invest in our maritime capabilities with the most comprehensive regeneration of our Navy literally since the Second World War. In that process—and a number of these have clearly been announced in advance and are part of the white paper today—it includes our nine new antisubmarine warfare frigates, with construction to start in 2020. Those frigates are going to have a range and endurance to operate throughout maritime South-East Asia and be deployable from forward bases such as in the Middle East.

In air capability, we will acquire seven additional P8A Poseidon maritime surveillance and response aircraft, bringing that total to 15, significantly enhancing our maritime surveillance and response capability. In fact, I only recently—earlier this week—referred to that capability in relation to the P3s and the tragic events in Fiji. (Time expired)
Senator REYNOLDS (Western Australia) (14:34): Mr President, I ask a further supplementary question. Given the large range of defence capabilities, will the minister advise the Senate of the key enablers referred to in the Integrated Investment Program?

Senator PAYNE (New South Wales—Minister for Defence) (14:35): The enablers, the basic things that we require to do the job of Defence every day, have been quite neglected over an extended period of time, and we have made a very deliberate decision on this occasion to bring those enablers into the Integrated Investment Program because they have suffered from that underinvestment for so long. They include, for example, very significant upgrades of Defence bases and infrastructure around the country. That will have a significant regional impact in terms of jobs and local employment as those upgrades are occurring, and it will help us to support what is going to be our larger and more capable Defence Force.

We also are including $19 billion to assist in the operation and maintenance of the Defence estate. Most fundamentally, the basics like information and communications technology will be brought, hopefully, into the 21st century in many ways. It is an area that has suffered from significant underinvestment. (Time expired)

Taxation

Senator DI NATALE (Victoria—Leader of the Australian Greens) (14:36): My question is for the Minister representing the Prime Minister, Senator Brandis. Reports today indicate that your government has walked away from major tax reform, and yet today you have announced a major increase in defence spending. Given the so-called budget emergency and your refusal to end huge tax concessions like negative gearing and like the concessions in the superannuation system, Minister, how do you intend to pay for it?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:36): Senator Di Natale, your question addresses two important topics—one is tax reform and the other is the defence white paper—and on both of those important matters of national discussion this government has been very agile. Let me deal with them one at a time.

Senator Di Natale, as you know because it has been much discussed in this chamber since late last year, the government has initiated a national conversation about tax reform in which many voices have been heard on a variety of topics. One of those topics about which much has been heard is whether or not there should be a change to the tax mix by having an increase to the GST. That was a discussion, in fact, initiated by the Premier of South Australia, Mr Jay Weatherill, and the Premier of New South Wales, Mr Mike Baird. Having heard the voices of all stakeholders in that discussion—state premiers, local government, party representatives in this parliament, economists, commentators and industries—the government has decided to rule out an increase to the GST, but there remains nevertheless a long way to go in the national discussion about tax reform.

In relation to the defence white paper, I join with my colleagues on the government side in congratulating Senator Marise Payne on a magnificent body of work. I should also acknowledge the contribution in laying the foundations for that body of work of previous defence ministers Senator Johnston and Mr Kevin Andrews. Senator Di Natale, the fiscal outlook incorporates the defence white paper and the next update of our fiscal position will be released as usual in the 2016-17 budget.
Senator DI NATALE (Victoria—Leader of the Australian Greens) (14:38): Mr President, I ask a supplementary question. Minister, given your agility in ripping out $50 billion from the public hospital system and flexibility in refusing to fund year 5 and 6 of the Gonski reforms, can you tell us what future agile and flexible manoeuvres you will use to cut further services that the Australian people want and deserve?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:39): Senator Di Natale, let me correct you: there has not been a reduction to Commonwealth spending on education nor has there been a reduction in Commonwealth spending on health. The fact is, Senator Di Natale, as you acknowledged in your original question, when the government were elected 2½ years ago we faced an unprecedented budget position as a result of the ruin left to us by the previous Labor government and in particular by the previous Labor finance minister, now the Leader of the Opposition in the Senate, Senator Wong. So we had to find economies, but we also had to deal with areas of significant neglect left behind by the previous government. One of the areas of significant neglect was defence. The proportion of GDP spent by Australia on defence had fallen as a result of that neglect to the lowest proportion of GDP since 1938, and we make no apologies for addressing that neglect. (Time expired)

Senator DI NATALE (Victoria—Leader of the Australian Greens) (14:40): Mr President, I ask a further supplementary question. Minister, is your refusal to make any meaningful changes to negative gearing, any meaningful changes to ending those huge tax breaks in the super system and any meaningful changes to ending fossil fuel subsidies a sign that you are governing for the top one per cent rather than ordinary Australians or is it just a lack of courage?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:40): Senator Di Natale, you mentioned negative gearing. Might I remind you, as I reminded the chamber earlier in the week, that negative gearing arrangements are availed of not by people at the top end of town, not by the wealthy one per cent and not by the top decile of income earners but by middle-class Australians—nurses, teachers, policemen and tradesmen—because they want to invest in an asset so that they can get ahead. We say to those Australians: 'We will back you. We will back your enterprise. We will back your ambition. We will back your aspirations.' The Australian Labor Party on the other hand wants to introduce a policy in relation to negative gearing that would have the result of taking the value out of the principal asset of most Australians—that is, their house—and we will not have a bar of it, Senator Di Natale. We will stand by Australian homeowers. (Time expired)

Foreign Investment

Senator STERLE (Western Australia) (14:41): My question is to the Minister for Regional Development, Senator Nash. I refer to the minister's comment last week that 'there are some real synergies between regional development and agriculture'. In light of this, do you, Minister, stand by your statement on foreign investment:

We have already lost a number of Australian agribusinesses to foreign ownership. It's time FIRB acted in the nation's interest and put a stop to it.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate, Minister for Rural Health, Minister for Regional Development and Minister for Regional
Communications) (14:42): I thank the senator for his question. The first thing I would say is that it is this side of the chamber that is actually addressing the issue of what are the appropriate measures for foreign investment in this nation. I do not resile from the fact that I have been very involved in the debate around this for a considerable period of time. As I move around regional communities it is an issue that is raised with me. I do believe that we have got the balance right. It was this government that actually lowered the threshold for the Foreign Investment Review Board to $15 million cumulative. It is this government that is actually getting the balance right. We know on this side of the chamber that it is important to look at these things with balance to ensure that the decisions we make benefit the economy, benefit the people of Australia and, from my perspective particularly, benefit people in rural and regional Australia.

Senator STERLE (Western Australia) (14:43): Mr President, I ask a supplementary question. Does the minister agree with her National Party colleague Senator Williams, who said on foreign investment:
… if we sell off the farm, the profits go back to Beijing …
And:
China … it's not our ally; it's a Communist state.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate, Minister for Rural Health, Minister for Regional Development and Minister for Regional Communications) (14:44): There are many things my good colleague Senator Williams says that I agree with. I support him very strongly in the work he does across rural and regional communities. Indeed, I do not know a better advocate, apart from other Nationals, for rural and regional Australia—

Senator Moore: Mr President, I have a point of order on direct relevance. We do not care whether the minister actually likes many things Senator Williams says. It is particularly the comment:
… if we sell off the farm, the profits go back to Beijing …
And:
China … it's not our ally; it's a Communist state.
Does the minister agree with that comment from Senator Williams?

The PRESIDENT: Thank you, Senator Moore. I think the minister, by implication, said she agrees with all his comments, but I will allow the minister to answer that for herself.

Senator NASH: Thank you, Mr President. Not necessarily. I do not think that by implication I agree with everything that Senator Williams says. But this is a very serious issue, and we do need to make sure we have a balanced approach and we have an approach that takes into account all of the things that need to be considered, unlike those opposite. What do they want to do when it comes to foreign investment? They want to have a limit of $1,000 million for any purchase coming into this nation to go to the Foreign Investment Review Board. That is how much attention to detail they have paid to this particular area. (Time expired)

The PRESIDENT: Senator Sterle, a final supplementary question?
Senator STERLE (Western Australia) (14:45): Thank you, Mr President. You did say that, Wacka. Anyway I refer to the statement of the Minister for Agriculture and Water Resources, Mr Joyce, that:

… we still have record amounts of foreign investment, especially trying to make its way into the rural portfolio

Does the minister support record levels of foreign investment trying to make its way into the rural portfolio, including for regional development?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate, Minister for Rural Health, Minister for Regional Development and Minister for Regional Communications) (14:46): Those of us on this side of the chamber understand how important foreign investment is for rural and regional communities. We absolutely understand that. It is investment. It is about foreign investment that comes in and brings money into our communities to build and to invest, and that is very much appreciated. But we do have a set of rules that governs foreign ownership, and I think sometimes people get a little confused about foreign investment and foreign ownership. We have a very good set of rules now when it comes to foreign ownership, because this government recognises (a) what the people out in our rural and regional areas, in particular, want to see when it comes to foreign investment and (b) what the right balance is in terms of that foreign ownership to our economy and ensuring that we have those opportunities at the same time—balancing what is an appropriate level of foreign ownership. This side of the chamber has got it right. The other side wants a $1,000 million limit—open slather. (Time expired)

Defence White Paper

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (14:47): My question is to the Minister for Defence, Senator Payne. Will the minister advise the Senate how the 2016 white paper will benefit Australia's defence industry?

Senator PAYNE (New South Wales—Minister for Defence) (14:47): I can, and it is right here: the Australian government's Defence Industry Policy Statement, released today with the white paper, and the Integrated Investment Program. That is a very important question from Senator Fawcett, because in this white paper and this Defence Industry Policy Statement we recognise that industry is a fundamental input of capability to defence acquisition, most importantly. It is recognised for the first time in this policy statement.

We set out in this document a plan to transform the relationship between Defence and industry, and that comes with an acknowledgement that it has not historically always been, necessarily, the most productive on either side of the process. Defence and industry have both been a lot of time working on this policy statement so that we can change the relationship and so that we can change the balances where there were issues and put together the two partners to make a much more productive relationship.

We are going to build a very good, strong strategic partnership with Australian industry, because they are, as I said, a fundamental input to capability—the part of the system that makes it possible for us to do what we do. The first step in creating the partnership is the publication of the full Integrated Investment Program, which I spoke about in response to Senator Reynolds's questions. That will help industry know what procurements are coming and when. It will be a much more focused, coordinated and transparent approach, and that has
been one of the criticisms in relation to how industry is able to engage with Defence. We are going to ensure that we engage much earlier in the process to build those relationships. We will also introduce a new approach to defence innovation to ensure that industry are able to access research funding more easily. We want to help them maximise their export potential. As I said today, when the Prime Minister and I walked onto the Monegeetta Proving Ground in Victoria to see the Hawkeis and sign the contract for those, the first thing he said is, 'What extraordinary export potential is here for Australia!' (Time expired)

The PRESIDENT: Senator Fawcett, a supplementary question?

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (14:49): Thank you. Will the minister inform the Senate how the $1.6 billion will be invested to implement the government's ambitious industry and innovation plans and how this will complement the National Innovation and Science Agenda recently announced by the Prime Minister?

Senator PAYNE (New South Wales—Minister for Defence) (14:49): I can indeed, because Defence and Industry, as departments in the government, have been working very closely also on the development of the industry policy statement. We are going to establish a new centre for defence industry capability, one of the industry growth centres, which will be funded with about $230 million over the decade. That is going to be delivered through a very close collaborative approach between Defence, the private sector—itself to be involved—and AusIndustry, and in fact it will have co-chairs between Defence and the private sector. Its focus will be on the delivery of defence capability, on building industry skills, on driving our international competitiveness, and on pursuing our access to global markets—all aligned very closely with the National Innovation and Science Agenda, particularly as we seek to increase the level of collaboration between industry and Defence and as we build the skills of Australians to work on what are going to be the most cutting-edge and innovative defence capability problems. (Time expired)

The PRESIDENT: Senator Fawcett, a final supplementary question?

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (14:50): Thank you, Mr President. Given that innovation is at the heart of a strong economy, will the minister explain how the Defence Industry Policy Statement will bring a new approach to innovation for Defence and defence industry?

Senator PAYNE (New South Wales—Minister for Defence) (14:51): I am very excited about these opportunities, but my excitement is nothing beside the Prime Minister's and the industry minister's, let alone that of the head of the Defence Science and Technology Group, Dr Alex Zelinsky. We are establishing a $730 million next-generation technologies fund which is going to be used to very strategically invest in technologies that have the potential to deliver game-changing capabilities and commercialisation opportunities for Australian defence industry. We are also going to establish a $640 million new virtual defence innovation hub, which has the capacity to foster innovation from concept through prototyping, through testing and then through introduction to service—a real change in our capacity to engage with industry that is really at the forefront of this level of creativity and innovation in the defence space. As with the centre for defence industry capability, these programs will directly complement the National Innovation and Science Agenda.
Media Ownership

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (14:52): My question is to the Minister for Communications, Senator Fifield. Did the government approve changes to media ownership laws on Monday night, including scrapping the 'reach rule' and the 'two out of three rule'?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (14:52): Senator Urquhart, thank you for your question. I think you are asking me, "What did cabinet deliberate upon this week?" As you would expect, ministers never comment on what may or may not have been discussed in cabinet. But I have been extremely up-front over a long period of time that the government is strongly of the view that media laws—in particular, the 75 per cent reach rule and the two out of three rule—are progressively being rendered redundant, not only by technology but by the choices that consumers exercise as a result of that technology. Let me be very clear: I think those two media laws have had their day. We are going through the orderly internal processes of government, and once those processes are concluded I will be in a position to make an announcement with further detail, including, importantly, what would be done, if there were changes to media law, to ensure that we protect local content in regional areas. That is something that my colleagues on this side highly value and that their communities highly value. It is important, as we look at the area of media reform, to make sure that regional communities continue to enjoy good local content and to see whether there is a capacity to even improve the level of local content in regional areas.

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (14:54): Mr President, I ask a supplementary question. Has the government decided to maintain the current sports antisiphoning list?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (14:54): I think all colleagues know that the antisiphoning list is often discussed by various media organisations. Clearly, there are some media organisations that are more content with the status quo, and there are some other media organisations that are less content with the status quo. The antisiphoning list has altered over time. There are, on occasion, items on the antisiphoning list that get amended. As I have indicated previously, I think that there is a consensus in the community that some sporting events are of national significance and it is appropriate for them to be on that antisiphoning list. I do not think anyone in this chamber would propose that those be removed from the antisiphoning list. (Time expired)

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (14:55): Mr President, I ask a final supplementary question. Has the government told heads of media organisations, including incoming Channel 9 chair Peter Costello, about the changes to media ownership laws agreed on Monday night? If so, when? And when will the government inform the Australian people?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (14:55): I have ongoing consultations with representatives of different media organisations. You would expect, as we are looking at media reform, that I would be in contact with media organisations. Their input is important; they are stakeholders. Consumers of media are also important stakeholders. Their views are
important, their views as expressed by my colleagues are important, and the views of media organisations are important. As I indicated in answer to the primary question, once we have concluded the internal processes of government, I will make an announcement and be in a position to share that decision.

Defence White Paper

Senator EDWARDS (South Australia) (14:56): My question is to the Minister for Education and Training, Senator Birmingham. Will the minister advise the Senate on the critical importance of the 2016 Defence white paper to education, research and jobs?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:57): I thank Senator Edwards for his question. Senator Edwards, like all members of the government, welcomed today's release of the 2016 Defence white paper, which, as Senator Payne has outlined comprehensively to the chamber, sets out the coalition government's comprehensive and responsible long-term plan to ensure Australia's national security.

Importantly, the defence white paper is a valuable companion to the National Innovation and Science Agenda because in setting out, for the first time, all elements of defence investment in the future, it will spur and guide further innovation, investment and activity in science, research and entrepreneurship around Australia. It outlines for the first time how the Australian government will procure in areas such as weapons, platforms, systems, enabling equipment, facilities, workforce, information and communication technologies, science and technology—all areas providing a comprehensive suite in relation to how we equip Australia for the future.

It has a particularly important role, of course, for my home state and Senator Edwards' home state of South Australia. It will play a critical role in modernising and strengthening our Defence Force. In the decade to 2025-26, around $2.1 billion will be invested in upgrading Defence facilities in South Australia, with an additional $2.1 billion to be invested in upgrading Defence facilities in the decade between 2025-26 and 2035-36. Defence is already a major employer in South Australia, with around 5,800 Defence personnel based there. Today's announcement will see a rapid expansion in both the numbers of personnel and defence innovation, education, research and investment. It is one that has been warmly welcomed, including, I note, by the South Australian Premier. (Time expired)

Senator EDWARDS (South Australia) (14:59): Mr President, I ask a supplementary question. Will the minister update the Senate on how the government, the private sector and academia are coming together to address our serious cybersecurity skills shortage and secure our online environment?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:59): Yesterday, on behalf of the Prime Minister, I hosted the Cyber Security Challenge Australia awards ceremony. The challenge is one of the ways the government and Australian business try to address our serious cybersecurity skills shortage and secure our online environment. It provides an outstanding opportunity for students to test their foundational cybersecurity skills in a most practical way. It also exposes students to some of the most dynamic cybersecurity employers in the Australian market. It provides a 24-hour virtual computer network competition for undergraduate students. I am delighted that we saw such
success, with record entrants and record numbers of women participating in this high-tech opportunity this year. These are the types of students and skills that we will need across the Australian economy, but particularly to ensure the successful implementation and meeting of the challenges that are addressed in the defence white paper. It is very important we continue to drive initiatives like the cybersecurity challenge that will complement the needs and aspirations of Australia in our Defence requirements. *(Time expired)*

**Senator EDWARDS** (South Australia) (15:00): Mr President, I ask a further supplementary question. Is the minister aware of any alternative plans for jobs in such research?

**Senator BIRMINGHAM** (South Australia—Minister for Education and Training) (15:00): I am not. I know that in the past we have of course seen from the Labor opposition, when they were in government, unfunded white papers in 2009 and 2013, but, as Senator Payne has outlined today, this government's white paper details very clearly funding strategies as well as procurement requirements.

In relation to our home state, Senator Edwards, we will see an integrated investment program that will deliver substantial benefits for South Australia. Premier Weatherill has said that it is great news and a great win for South Australia, something that we should all welcome. It will include the acquisition of 15 P8A Poseidon maritime surveillance aircraft. It will ensure upgrade of the RAAF Base at Edinburgh, with around a $600 million investment in the site. Of course, the centrepiece is the continuous build program for Australia, including the nine future frigates that have been announced will be built in Adelaide from 2020, as well as the government's substantial commitment to the offshore patrol vessels and the submarines in the future. *(Time expired)*

**Senator Brandis:** I ask that further questions be placed on the *Notice Paper*.

*Opposition senators interjecting—*

**The PRESIDENT:** Excuse me, question time commenced at one minute past two o'clock. We are well over one minute past three o'clock, and the Clerk recorded that time, as usual.

**STATEMENTS**

**Northern Australia**

**Senator WONG** (South Australia—Leader of the Opposition in the Senate) (15:02): I seek leave to make a short statement of no more than one minute.

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

**Senator WONG:** In question time today Senator Canavan answered a question and stated, in response to Senator McLucas, 'I have never suggested that the renewable energy target should be scrapped, as you suggest in that question.' In an *Australian* opinion piece of 19 August 2014, Senator Canavan wrote:

As an economically damaging protectionist policy, the RET should be removed.

I would ask the minister to correct the record.

**Senator CANAVAN** (Queensland—Minister for Northern Australia) (15:02): Without having that opinion piece in front of me, I remember very strongly going on in that article and suggesting that it should be grandfathered for existing users. I did not say 'scrapped' at all.
Therefore it would not have been removed, because in that opinion piece I suggested that it should be ended and closed for new participants.

Senator Wong: Mr President, on a point of order, I am not sure whether you gave leave to the minister to respond. If the minister wants to consider the piece—if that is what his request of the Senate is—the opposition will accede to that. But the contribution just then is not consistent with what is on the public record in the opinion piece.

The PRESIDENT (15:03): Senator Wong, in fairness to the minister, you have raised the issue, quite fairly. The minister did get to his feet. What would normally happen is that, when a minister has become aware that, potentially, there may have been a misleading comment or a comment that is inaccurate in a minister's statement, a minister would normally come back to the chamber at the earliest opportunity to correct that. I think it is fair for the minister to at least have an opportunity to review records before he does make any form of correction, if indeed he needs to. So, you have raised it, the minister is aware of it and the minister will have an obligation, if he deems it necessary, to come back and correct the record, or indeed he may want to do that now by leave.

ANSWERS TO QUESTIONS ON NOTICE

Question Nos 2642 and 2907

Senator CANAVAN (Queensland—Minister for Northern Australia) (15:04): I would like to provide additional information in regard to Senator Ludlam's question yesterday about overdue answers to questions on notice. The senator asked me, as the Minister representing the Minister for Resources, Energy and Northern Australia, for an explanation as to why answers have not yet been provided to questions on notice Nos 2642 and 2907.

I am advised by my department that it is still preparing the material to answer these questions. I have instructed the department to make this a priority. I am advised the department is obtaining advice from technical agencies to ensure the information is correct. They have advised that the answers will be provided as soon as possible.

STATEMENTS

Fair Work Commission

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (15:05): Mr President, I seek leave to make a brief statement to the Senate in relation to the inquiry into matters relating to complaints about Vice President Lawler.

The PRESIDENT: Leave is granted for two minutes.

Senator CASH: Last year I appointed the Hon. Peter Heerey AM, QC to inquire into matters relating to complaints about Vice President Lawler of the Fair Work Commission. Mr Heerey is a distinguished former judge of the Federal Court of Australia, and his appointment ensured that a proper process was put in place to deal with this matter. I had asked Mr Heerey to undertake his inquiry and provide his report to me before the end of 2015.

In December 2015, a party involved in the investigation requested additional time from Mr Heerey to respond to questions, due to a medical condition. Mr Heerey accordingly requested additional time to provide his report to me. I agreed to Mr Heerey's request and extended the time for delivery of the report to 29 February 2016.
On Monday, 15 February 2016 I received Mr Heerey's report. I carefully considered the report and its potential implications. Before I provide further details to the parliament, I believe that, in the interests of procedural fairness, it is appropriate that I first afford Vice President Lawler an opportunity to consider the report and provide me with a response. I have provided the report to Vice President Lawler and invited him to provide any response to me by Friday, 4 March. I will provide further information to the Senate, including any next steps the government proposes to take, after this time.

ANSWERS TO QUESTIONS ON NOTICE
Nos 2896, 2897, 2898 and 2899

Senator GALLAGHER (Australian Capital Territory) (15:07): Under standing order 74(5)(a), I seek an explanation from the Minister representing the Minister for Health, Senator Nash, as to why question Nos 2896, 2897, 2898 and 2899, which I placed on notice on 13 January, remain unanswered.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate, Minister for Rural Health, Minister for Regional Development and Minister for Regional Communications) (15:07): I undertake to have a look at that and come back to the chamber.

Senator GALLAGHER (Australian Capital Territory) (15:07): Under standing order 74(5)(c), I move:

That the Senate take note of the minister's failure to provide the answer, or an explanation, to the Senate.

These questions are very important ones that I put on notice a couple of weeks after the Australian government responded to the Contributing Lives, Thriving Communities review of mental health programs and services. As senators will be aware, the Contributing Lives, Thriving Communities review was a comprehensive review of the mental health system, from the Commonwealth's point of view, right across the country, and their response. There were some major reforms to the way that they were going to provide funding for to deliver services from Commonwealth mental health programs.

Unfortunately, the response to the Mental Health Commission's review was very light on details and on an implementation framework. It did not provide me with the information I need to do my job as the shadow minister for mental health. It was certainly very general in its approach. I think it is only about 26 pages for a review that was more than 1,000 pages and had taken more than a year to complete. The government then took a year to respond to it, having managed to get the response out towards the end of the sitting calendar. The information in the response was really that, 'We will provide you with more information at a later date.' I had the opportunity at estimates to speak with the department and raise some of the questions, but because I had already put these questions on notice and sought this information, I said to the department that I would not necessarily pursue some of that information as I expected to be getting it within the 30-day time frame for answering questions. The time has now elapsed and we have been unable to get greater detail about how the mental health reforms are being rolled out, from the Commonwealth's point of view. To give you an example of that, in the government's response to the Contributing Lives, Thriving Communities review, which was released on 29 November, they said, 'We will be advising funded services in December about what arrangements there are for funding going forward.' A
number of services got a letter on Christmas Eve, at about 3 o'clock in the afternoon, to say that they would have to apply for their funding in a funding round whose details would be announced in February. This was for funding that ends on 30 June.

So, where we are at the moment is that we have had a very substantial review completed and we have had the Australian government's—sort of—general response. We have services that do not have any funding certainty, where funding certainty runs out in the next four months. They have not been advised as to what those arrangements will be and what tender processes they will have to embark upon. Some services will be exempt from contestability. Other services have been told that their funding will be contestable. These are services that are providing support to some of the most vulnerable communities in Australia—people with a mental illness, people who depend on continuity of service delivery in order to live their lives as they need to. We have a situation where the services sector does not have any real idea of what is going to happen post 30 June. In our attempts to understand in greater detail exactly what the implementation framework will be, how the Commonwealth is going to be making these decisions, who is going to be involved in contestable tender arrangements and who will not, and how will headspace be handled, all of those questions remain very unclear, not just to me but also to the staff who work in those services and indeed to the people who use the services and their carers.

So, the questions I have asked are ones that you would believe would be fairly straightforward. On the day the minister announced the government's response, we had her saying that no-one would miss out on any care. This was her strategy. Yes, there would be changes—funding streams might be different and money might be devolved out to the PHNs—but no individual would miss out on a service. She went on to say that some people would be able to access individual packages, but, again, when you look at the details of the government's response there is no idea of where the funding would come from for those packages, how those packages would be determined, when they would commence, what the allocation will be over three years or what role the PHNs will have in that. The overall strategy also involves moving people into the stepped-care approach, meaning that they access the right care at the right level for the support they need. So there is a big push on.

On e-mental health or the digital gateway, again, there is no information on how that is to operate and how it will interact with e-mental health digital services that are currently provided. Also, there is no information on how the telephone hotlines would work. There is very little detail on how child mental health services will interact with, say, youth mental health. There is some new money for Aboriginal mental health—about $85 million—but it is not clear where that money is going and how it will be applied. There is a lot of concern from the Aboriginal controlled health organisations that they will have to negotiate any funding with the PHNs in that area. We know how contested that space is. For a long time we have had the Aboriginal-controlled health services establishing their service offerings in mental health, only now to be told they are going to have to go down the road and speak to the PHN about whether you will be eligible for the additional funding. In an area like suicide prevention, again we have 2,500 people a year in this country committing suicide. This is a massive area where reform is needed, and the Labor Party believes targets need to be set to see those numbers come down. Again, the detail in the government's response is very light on,
talking about a new way of doing things, but, again, there is no indication on how that will occur.

The questions that I put on notice really went to fleshing out the detail, or the lack of detail, in the government's response. I think all those questions are reasonable and I cannot understand—we did give notice, as is convention, to Senator Nash's office about the outstanding questions—why this information is taking so long to get here. It is either that it is just tardy of the department or that some of these details are yet to be determined, which is even more concerning considering these reforms are due to roll out from 1 July. I have spoken to a number of services, and parts of my questions went to funding and funding certainty, about whether or not they have any certainty in their funding. This is not an insignificant area of primary health care delivery—it looks as though $300 million will be reallocated through the primary health networks starting presumably on 1 July—and there are services that have to advise staff about whether or not they will have a job on 1 July and what that job might be or whether they have to put in arrangements now and go and start negotiating with the PHNs. Again, the actual reform agenda is to give a lot of responsibilities to PHNs. I know that there is some concern about whether or not all of the PHNs will be in a position by 1 July to deal with these new responsibilities. The government's response talks about PHNs being required to complete regional mental health plans, comprehensive needs assessments, service mapping and gap identification, systems to share consumer history and information, the establishment of joint assessment processes and referral pathways, strategies to deal with rural and remote communities and regional specific early intervention strategies to support children. All of this is important work, absolutely, and in terms of having regional approaches to mental health service delivery that is something that the Labor Party supports—but, again, there is no detail on when these need to happen.

Some would argue that these should all be in place before the PHNs get the funding, which then determines the delivery of services, but in the interests of supporting a transition to a new way it could be accepted that these things would be done in conjunction with the first commissioning of services under the PHN model but, again, we do not know whether that will be the case. The role of consumers is very unclear. This is an area where, in my experience in health, consumers have played an essential role in the delivery of services, particularly when reforms are under way. The government's response talks about putting together a consumer participation framework, I think the language is, but it does not talk about when that will happen or how it will happen. There have been no discussions, as I understand it, with consumer organisations about how that work is to be progressed. It is not listed as a priority in the back of the document, which outlines a rough timetable of implementation, and these are all issues that need some more detail on them. That is why I put these questions on notice, so that I could get that information well ahead of these changes kicking in on 1 July. Consumers will want to be involved. One thing that I learnt in mental health in my time in the ACT was that you do not reform a system and then ask consumers how they feel about it, because more often than not their insight into the way they should be delivered should determine some of the decisions that government takes. Again, in this response the role of consumers is very unclear—as is the role of carers, for that matter, who also provide a lot of support.
One other area that I was trying to get further information on in these questions is the role of the NDIS and how the NDIS and the community mental health sector are going to interact with each other. We know that a relatively small proportion of people who live with severe and enduring mental illness will ultimately be accepted into the NDIS. Provision is being made for I think about 50,000 individuals but we know that then there are hundreds of thousands of people who have severe and enduring mental illness who will sit outside this. We also know that some of the programs that support them in the community are being rolled into the NDIS to fund services for the people who get accepted. That is great. For those people who get into the NDIS the service offering will be very positive for them and will support them well, but what does that mean for the people who do not get in who are currently using the programs, including all the carer support programs that are going in? Carers, as we know, do not get access to individual packages through the NDIS, so the programs that they currently use at the moment will not be available. These questions remain unanswered. They are all significant enough issues, during this massive time of reform, for this information to be well known to the government. It should have been well known prior to releasing the government's response.

This is not asking for the evaluation of how the reforms have gone or some assessment of the decision-making process. This would have been information that must have gone to government and cabinet as advice before decisions were taken on whether to support the government's response. I can understand, having been a minister myself, that there are delays for good reason with answering questions on notice, but there are also ways that that can be dealt with—for example, a simple explanation here that it required a lot of work in order to put answers together or that another priority had been identified. That is probably a harder one to argue, but there are ways and means that information could have been provided. Even if only half of them were answered and the others answered at a later date, I would have been more than happy and it would have been reasonable to accept that. But to not be able to give me some of the basic information that I believe must have made its way into a cabinet submission—if it did not then somebody is not doing their job—and have that information provided to me within the 30-day time frame, I think indicates that an explanation is probably unable to be given, which is why the minister was unable to provide that to the Senate today.

This is really important reform. To date, the opposition has offered support for the general direction of the government's reforms. We would like to see them work. We would like to see the PHNs successfully deliver targeted mental health programs to localised communities under local planning that had been developed and delivered by local services. I do not think there can be any criticism of the way that we have approached our response to the government's response, but I think that steps could have been taken to make sure that this information was provided. I would be very surprised if it was not contained in the department's estimates briefs, because that is what happens when you have questions on notice—you make sure that your officials are well briefed at the table in case those matters come up during estimates hearings.

At the estimates hearing I was more than reasonable with the department. The fact that they have not met the time frame and have let their minister down and forced another minister to stand up and say, 'Well, I'm sorry, I can't answer why those questions haven't been given,' is most regrettable, because this is a very important area. I know that there are a lot of people...
who work in the sector who are ringing my office to ask me whether I have heard things about if and when their funding might be coming up for tender. I think that is completely unacceptable. There are thousands of people that work in this sector, many of them lowly paid, often in casual arrangements with no job certainty in the future, and that is certainly being exacerbated by this reform agenda.

It is not just the staff. Let us spare a moment for the people who use the service—a very vulnerable group who rely on these services. If they asked today whether these services will be running on 1 July, I do not think anyone is in a position to be able to answer them. The sooner this information can be provided—not just to me, although I have a particular avenue through which I can pursue it, but more generally from the department out into the community—I think the better these reforms will go. At the moment the lack of information and some of the confusion about the way the reforms have been rolled out—or if they have been rolled or when they are being rolled out—will compound to make it a quite difficult reform agenda in the second half of this year.

I look forward to the minister representing the Minister for Health being able to come back to the Senate and explain. More than that, I look forward to the questions being answered and, in that spirit, continuing to work in the best interests of people with a mental health condition in this community to make sure that they get the services they need and that the workforce that supports them gets the support that they need to do the job that many of us would be unable to do if it was asked of us.

**Senator MOORE** (Queensland) (15:26): I join with Senator Gallagher and also with Senator McLucas in raising concerns about the detail of the answers that we need to have around the issue of the government response to Contributing Lives, Thriving Communities, long awaited review of mental health programs and services—

**Senator Ian Macdonald**: I am still waiting for answers from the Labor government.

**Senator MOORE**: Mr Deputy President, I am not concerned about what questions Senator Macdonald is concerned about. I would hope that Senator Macdonald would share our concerns about mental health in Australia, but maybe not. In terms of the focus, you would understand that there was a great deal of interest and expectation amongst the mental health community around the wide standing review of mental health programs and services. People were asked to contribute, and there was focus on exactly what was the best way forward for mental health in our country.

The people who work in the mental health services and also those who are consumers of those services are a particular group who have a great sense of ownership about their area and also a sense of expectation from governments over a period of time for delivery of effective service. With that sense of expectation has also come a long history over many years of frustration that their needs have not been effectively identified and there has not been a continuing response to ensure that mental health is placed clearly on the agenda. This is not something that has been a short-term process. For many years people within the mental health community have been worried about the fact that their issues may well not have had the urgency that they think they should have.

Given that background, when the review of services was announced, there was some hope that, with changing priorities and plans, this was a time when there would be a really strong
focus and an investigation of what the effective services in mental health across Australia are and what contributes the most effective response to the range of issues around mental health. This is not a simple area, and Senator McLucas and I, through a number of Senate inquiries in the Community Affairs Committee, have had the great privilege of listening to people who have great expertise as well as personal experience about the issues a real mental health and the disadvantages that can be linked to that illness in our Australian community. The Senate community affairs committee had an extensive mental health inquiry, followed by specialised inquiries into Aboriginal and Torres Strait Islander mental health linked to the scourges of petrol sniffing and to disadvantage, and then—one of the most gut-wrenching inquiries; I am looking at Senator McLucas now—the one on suicide in Australia.

There were a range of programs introduced under the Labor government to respond to the issues that were raised in those inquiry reports. Throughout, we always said that there needed to be an effective link with the community—that this could not be a government process feeding down into the community; rather, it should be an engagement process which links to the consumers in particular. I have gone on the record a number of times here about the absolute necessity of having consumer engagement in a lot of social programs, but nowhere is consumer participation more important than in mental health.

A number of Senator Gallagher's questions asked where the linkages were going to be in the ongoing advisory process or engagement process—whatever the title of the month is—for consumers to participate in the process. That has caused great interest in the community. We often say in this place that we have received a number of calls from people or people have contacted us about certain issues, and I assure you, Mr Deputy President, there has been a very strong response from the community on the issue of consumer engagement in mental health. They want to know what is going to be in the consumer participation framework, something that was mentioned by the government—that one of the core aspects of the government's ongoing response was to reinstate, re-establish in some form, an active consumer engagement model. People have been waiting to hear how that is going to operate.

As Senator Gallagher said, in the relatively short government response that we have at this stage, there is absolutely no detail about how that will be put in place—no detail at all. That is frustrating and it is also worrying because, without the detail, there is a sense that it may not happen. There is a sense that appropriate resources will not be allocated, which Senator Gallagher's questions also went to. There is a feeling that it could be just empty rhetoric—and believe me, Mr Deputy President, people with mental illness in this nation have long had concerns about empty rhetoric in response to their issues—instead of some clear definition about how the consumer participation framework will be introduced, what consultation there will be, how people who will be part of the consultation will be identified, and what the process will be.

All of these things are not too difficult. We do have a history in this country of working with consumers. Clearly, we have organisations that have already been identified that have links with the mental health consumer network and also with the professional groups that provide services. Those organisations are in place. But we need the detail of how they will be engaged in the new process. In particular, on the question of consumer involvement into the future, there need to be detailed responses back from the government about what process they are going to fund and how they are going to ensure that the consultation will be real and not
some kind of token exercise: 'We've had a couple of meetings and, therefore, there has been consultation.' That is not good enough. This group of people is well informed. They want to be involved, they do not want to be dismissed and they do not want to be shown a lack of respect by there being further delays about the detail on consultation. That causes great fear, I think. And it is particularly insulting to a group of people who are already vulnerable and who have had difficulties in the past, which are clearly documented, with a lack of effective consumer engagement. When you have already had that historically, to not have that acknowledged and to effectively be given a response at this stage actually causes fear and makes you wonder: has this detail in fact already been considered and has there been appropriate consideration and resourcing put into that area?

Another issue—and there are many questions, and Senator Gallagher has done a great job in putting these very direct questions on the record—is the fact that there is going to be significant change. We know that is going to happen, but the funding for organisations working in the field now is only until 30 June 2016. So many times in this place we talk about the way that programs are advertised, how tenders will occur—and we do not know whether there will be tenders because we have no detail about what process is going to be put in place.

The only thing that the organisations who are currently working in the field of mental health response know is that they are only funded until 30 June this year. They know that there has been this detailed review of mental health services in Australia. In fact, I doubt there would be a single one of those service providers who did not actively engage in putting forward information to the review. They know that they have put forward their views about what was working, what was not working, and how they could best be part of a new approach to mental health in our nation, but they have heard nothing back. There is no detail that we are aware of that has been given back to them about how the transition will occur between what we are doing now and the 'brave new plan', which is due to commence on 1 July 2016.

Too often in this place we have to talk about the problems of not giving effective information to organisations, not giving organisations time to make plans and not working through a transition process with them. That leaves organisations with a sense of loss and also panic, as Senator Gallagher pointed out, who have staffing concerns and who are looking at their own processes but, most importantly, who are looking at the needs of the people that they work for—their clients, the people with whom they have built up personal relationships. Sometimes they are in regional areas and, as you know, Mr Deputy President, regional relationships are intensely important. What we have asked the government is: what are the processes going to be in the future for looking at how new tenders will be offered, how much funding will be allocated to establish different processes and what will be the transition arrangements?

These are very straightforward questions that are looking at areas particularly to do with the new Primary Health Networks, which are relatively new organisations that the government has put in place. I could speak for another long period about my concerns about the PHNs, their geographic coverage and what they are expected to do.

What we had, up until the change of government, was a structure that was based on the Medicare Local model, where exciting work had been done on mental health right across the country, particularly in my state, in regional and rural Australia. Medicare Locals had prioritised mental health in their program plans and had established networks and immediate
responses which engaged people locally and looked seriously at the issues of mental health in the community. Those have all been closed. In some cases there have been ongoing discussions, but the role of the Medicare Locals has been completely dismissed.

Now that the new PHNs have been put in place, we have been advised that they will be concerned with the issue of mental health. There is no detail about how that is going to operate, there is no detail about how the funding will happen, and there is no detail about what services will be available to people who have already-identified mental health needs and where services need to be provided at local levels. None of that detail has been provided. All we know is that the PHNs will have a priority interest in mental health. That is not particularly comforting if you want to know where services are going to be provided in your area.

We have years of evidence about the need to have effective transition processes in place when you are looking at change and about the impact that change can have on individuals in terms of their own lives—all that is documented. We have had extensive Senate inquiries over the last two rounds of grant programming—both the DSS model and the Prime Minister and Cabinet model—for Aboriginal and Torres Strait Islander services. There were recommendations aplenty which talked about the need to have this detail, so that people are engaged in the process and know what is going on. There were inches of paper making these recommendations.

I remember very clearly—and I have told this story many times—going to an Aboriginal community in Western Australia, where one of the community leaders arrived with a wheelbarrow full of printed reports, put them down and said to those of us who were visiting, 'If you had done any of the work that you had promised you would do in response to the recommendations you made in these previous reports, we would not need to have the conversation we are now having.' I echo that community leader's views when we are talking about these questions on mental health in our community.

I know that the points have been well made, but it is so important that we get a response back from the government which gives body to the commitment that they have already made in response to issues that were raised in the review that they commissioned into mental health programs and services in our country. We need to have the detail because it has been so clear in the past that documents without detail not only are relatively useless in making a commitment to future action but are quite dangerous in setting up expectations about needs that will not be met. If a community knows what the plan is going to be and how the funding is going to be allocated in the areas of youth mental health, Aboriginal and Torres Strait Islander mental health and suicide prevention, they can at least work within that framework. But if it is just left in this nebulous mass—almost like that concept of 'trust us, we know better'—that will cause more damage to a group that has already identified that it has needs in this area.

Senator Gallagher mentioned a couple of questions that were put on notice about the NDIS. Consistently from the time the NDIS was in the planning stage, and also when we did the initial Senate inquiry into the development of the legislation on the NDIS in Australia, there was a very strong message from people in the mental health area who were concerned about how mental illness would be affected by the introduction of the NDIS. Senator Gallagher said that we are so grateful that there will be many people in Australia who will benefit from the
NDIS. There has been great concern in the mental health community that perhaps the nature of mental illness could make it more difficult for individuals to be able to benefit from the NDIS program as it is being rolled out. This has been a major issue not only in the trial sites that are looking at people of all ages but also in the Tasmanian trial site that is looking at young people. The issue of how mental health, suicide and depression are going to be handled by the NDIS format is something that has been of genuine interest to people across the community.

There were quite clear questions about resources and funding allocated for people with complex care needs who are not accepted in the NDIS. We know—and it has been discussed many times here—that not every person with complex care needs will be eligible for full or even part packages under the NDIS. What we need to know is what wraparound services in the community will be available for those people who are not able to access NDIS. Those questions were very clear. None of the questions that Senator Gallagher put forward on 13 January should have come as a surprise to either the minister or her department. These are issues which are fundamental to any response to the review of mental health programs and services. They are the kinds of detailed questions that need to be answered so that people can do effective planning into the future. Just giving a response to a review does not end the need to continue communication.

We know that the response was a first-round response looking at general principles. The core issue now is how that general principle will be translated into action on the ground and how people will be affected by the change. Senator Gallagher had set out to find the detail that would respond to those questions. It is disappointing that we have not had any direct answers to those questions. It is also frustrating, because during the recent Senate estimates—which as you know, Mr Deputy President, is the short estimates and so there is no time to follow up on these questions—we were not able to question the department closely about these matters. But we felt confident that, because Senator Gallagher had put these questions on notice, we would be able to get the answers. So we decided that we would not take the time in the limited space we have in the short estimates period in health to follow-up on these questions or to put on record how seriously we feel about the detail being critical to us having an effective response to mental health in our country. We did not do that because we felt that these detailed questions were being taken up in another way. We missed that opportunity at Senate estimates, although we can clearly put on notice to the minister that we take this issue very seriously.

Over one month has gone by without those detailed questions being answered. The implementation of the plan is 1 July, and we have a lot of worried people out in the community. This is not good enough. It is important to get a response, particularly as this Senate has consistently reinforced its concern and commitment to having effective mental health services in our community. This lack of detail shows neither that commitment nor that concern.

Senator McLUCAS (Queensland) (15:56): I also rise to express my disappointment and frustration—I think is the other word—at the fact that the questions that Senator Gallagher asked the Minister for Health in January this year are now overdue to be answered. There has been no reason given as to why there is this delay in responding to these questions. They have just said that there is a delay; they have not been answered. This is disappointing. These are
reasonable and legitimate questions and they should be answered in the time frame—and they could be answered. If they cannot be answered then we have got a really big problem.

This minister and her predecessor have form when it comes to transparency and engagement and, in fact, even any notion of co-design when it comes to the mental health plan. Let's look back at what has happened over the last 2½ years. In the election of 2013, the then opposition, now government, gave a commitment in the mental health space that they would undertake a review. That is reasonable. I think it is a bit lazy, but it is reasonable that, given the reforms that had occurred under our government, an incoming government might want to have a look at the state of play. We accepted that the review would be undertaken, but right back then we started questioning the transparency of that review. At that time, I called on the government to publish the submissions—not the private submissions but the sector submissions—to this review. They did not. Some organisations published their own but there was no collected, comprehensive set of submissions to what should have been a big conversation about mental health in our country. The sector expected that, once the report was undertaken by the Mental Health Commission, it would be published. It was received on time on 1 December 2014 and, quite legitimately, the sector thought: 'Right. They've had nearly a full year to do this work. There would have been an iterative process between the commission and the department. We expect they will publish the report, and they will publish a government response in December 2014.' That did not happen.

So the next potential opportunity for the publishing of the report would have been in the lead-up to the budget of 2015. That is a normal government process. In the lead-up to a budget or even as part of a budget, the requesting document—in this case, the report of the Mental Health Commission and the response to that report—are published, along with the funding arrangements that sit around that. So we assumed that that would happen in the lead-up to the budget of 2015. As we know, that did not happen either. During the course of last year, on three separate occasions, I used the system of return to order in this Senate. All senators, bar the National and Liberal Party senators, supported my return to order that the government publish the report of the National Mental Health Commission. On three separate occasions the government did not follow the request to publish the documents of the Senate. The frustration must have been palpable.

We do not know who did it, but it ended up with the leaking of the report. Last year, the report was leaked to the ABC and the Crikey website. Last year, after that happened, I asked the Secretary of the Department of Health last year whether he was going to follow up on the leaking of that report. He said that he was not going to do that. I think he understood—I am presuming here, but I think he probably understood—that it was pretty embarrassing that it had gone on for so long. At least we had the report of the National Mental Health Commission in the public arena, but we still did not have any response from the government.

The next opportunity was National Mental Health Week, towards the end of last year. The sector was pretty sure that it would get a response from government to the comprehensive report that the commission had done. Again, they were let down. It was finally received on 29 November last year. The report I am holding up here is the document, Mr Deputy President. It is a very thin document. The report of the National Mental Health Commission is in volumes; there are thousands of pages. But the document that responds to that comprehensive report is scant.
You can have a number of types of government responses to reports. You can have quite slender documents like this, and that is not unusual. But behind a document like this has to be a lot of work, otherwise how would you be able to write the words in this document? That is why it is quite legitimate and reasonable for Senator Gallagher to ask the types of questions that she has been asking—because those are the questions that I would expect a minister to be asking in order to come up with the response that is covered in this report.

Quite substantial changes are being proposed in the government response, and they would have had to have had considerable work done to come to that view. We now know, though, that funding arrangements and service delivery contracts will expire at the end of June. We also know that good employment practice would require that, if changes to funding arrangements are going to occur, the government should give three months notice. We are about to get into March; these contracts are meant to start on 1 July. I suggest that we have a timing problem that has to be addressed and should be addressed. So I ask: is this government hiding the information that it should have, as I suggest has been happening over the last 12 months, or has the work not yet been done? If it is the latter, then I think there is real concern—frankly, either way there is real concern.

The mental health sector requires transparency. It requires an understanding and a sense of shared view about which way we are going forward, but I cannot see that over the last two and a half years since the change of government. As others speakers in this debate have spoken of, to get the trust that is so important in the delivery of mental health services, you need to have certainty, and people who are living with mental ill health need to have faith that the services are going to be there and that the type of service design will suit their needs as well as be able to respond to their changing needs. My observation is that mental health consumers do have increased levels of anxiety. They are concerned about service continuity. They are not being included at the levels that they should be expected to be, both as mental health consumers and as mental health carers, in the potential co-design of what are significant changes, which are proposed in this government response.

The government response talks about changing funding arrangements—that some services will be tendered out and some services will not be tendered out. Let us get some clarity on which is which and what people need to prepare to do. As Senator Moore indicated, there is a big change in the funding arrangements through the Primary Health Networks. These Primary Health Networks are quite new organisations. Some are having considerable difficulty in bedding down. There needs to be very strong management of the funding shift from the previous service array—which included in some respects the Medicare Locals but not all—to the pooled funding arrangements that are proposed through the Primary Health Networks. I put on record that there are some Primary Health Networks that are having a lot of difficulty trying to work out how they manage their services and the scope of services that they are going to have. We have heard of significant job losses as the transition from Medicare Local into the PHNs has occurred, and this is occurring around about now.

These questions that Senator Gallagher has asked are, as I have said, very legitimate. We want to know where the funding for the individual packages will come from. How does that interface with the rollout of the National Disability Insurance Scheme? We think, in principle, that the model of developing individual packages is a good and proper thing, but we need to know where that money is coming from. We want to know when the individual packages will
commence and how many of them will be available in 2016 and the out years from there. Why do we ask that? Because consumers want to know the answer to that and the service sector wants to know the answer to that.

Senators will recall Mental Health Australia undertaking a survey of the service sector at the end of 2014. That survey showed there was considerable anxiety in the service sector back then. That is when, essentially, the funding was going to be rolled over. Now we are looking at considerable change. How many workers in the mental health sector are now thinking that they should be moving on? I hope that we can retain these passionate workers. They are people who have given hugely to serve the cohort of people who use their services. They are people with specific talents and skills that are not found easily in our community. Surely they deserve the respect of knowing what is going to happen come the end of June of this year.

The questions that Senator Gallagher asked also went to Aboriginal and Torres Strait Islander mental health and to suicide prevention more broadly. On the question of suicide, the government's response to the review states:

The Government will move to immediately implement a new national suicide prevention strategy with four critical components …

One of those components is:

…a systematic and planned regional approach to community based suicide prevention, which recognises the take-up of local evidence based strategies. This approach will be led by PHNs who will commission regionally appropriate activities, in partnership with LHNs and other local organisations …

The important words there are: 'The Government will move … immediately,' and 'systematic and planned regional approach'. If that is going to happen, why can't we have an answer to this question? If that is what the government has said they are going to do then why can't these questions that Senator Gallagher has asked be answered?

We are asking questions about what is going to happen about perinatal mental health. We know that this is a small but very identifiable group of people who do suffer from higher levels of mental health issues than the rest of the community. They are a group of people we can work quickly and easily with, if the funding is there. That is why we want to know what amount of funding is going to be allocated to perinatal mental health.

There is an important program operating in the country called the Mental Health Nurse Incentive Program—a very successful program. Evidence shows it has worked very well. But we want to know what changes are going to be made to the Mental Health Nurse Incentive Program. And, given the timing, the government should have the answer to that by now.

We want to know: aside from the $85 million in funding for Aboriginal and Torres Strait Islander mental health, will any extra funding be included as part of the implementation of the package, and how much and what will this funding be spent on? We want to know: is this $85 million new money or is it reallocated money, out of existing funding sources? That is an important piece of detail that not only is it reasonable for the Labor Party to understand but also, on behalf of the community more broadly, we need to know.

The final question that Senator Gallagher asked is on the interface between the National Disability Insurance Scheme and how the changed mental health funding arrangements will work. The National Disability Insurance Scheme will provide packages for a number of very severely ill people with persistent and chronic mental illness. We need to be able to work out
the timing of those packages in line with the rollout of the National Disability Insurance Scheme and the rollout of this program. Surely the government is working across those two departments to ensure that this does happen in a timely way? We want to know, and it is reasonable for us to know, how those packages will roll out.

But, as Senator Moore quite rightly identified, we do have an issue with how we are going to provide services for people who are quite ill. They are people who are very ill, who do need ongoing packages of support. But they will not be eligible under the National Disability Insurance Scheme for a package of support under that definition of persistent and chronic mental illness. Those people are very concerned, and it is reasonable and legitimate for us to be asking questions like: 'What resources and funding have been allocated for the people with complex care needs who are not accepted into the National Disability Insurance Scheme?' If that work has not been done, we are in big trouble. If that work has been done and the question is not being answered, then this minister is being contemptuous, in my view, of questions that are asked in the Senate.

Here we are, 2½ years after this government was elected—2½ years in—and we still do not know where we are heading when it comes to mental health. It is my view that, with, firstly, the change of minister in the health portfolio, and, secondly, with not having a mental health minister in this government, we are in a situation where there is simply not the focus being placed by today's government on mental health in Australia.

Mental health is a growing concern in our community. We have not sorted out the way we need to provide mental health services in our country yet. But this delay, this lack of attention and this dismissive approach that this government has to people living with mental illness and the people who care for them is frustrating. It makes people very angry. And 'disappointment' is far too weak a word to describe the frustration and anger that people are experiencing.

I call on the minister to answer these legitimate and proper questions not only so that the parliament understands what is happening but also so that the people living with mental illness, their families and carers and the sector that serves them can get some proper answers to these questions.

**Senator IAN MACDONALD** (Queensland) (16:05): Mental health is an important area, and some of the issues that Senator McLucas has raised are things that I have been helping constituents with also, but I have not come into the chamber and made a political point about it in the hope that someone from the press gallery might be watching me. I have actually got onto the ministers and their officers and said: 'Look, these are problems. Can we do something about it?'

In a case that I am sure Senator McLucas knows about, because it is up in the area that she is supposed to be looking after, I have helped someone who was providing services in the mental health area with a contract termination and where it went from there. Just yesterday the friends of rural and regional health had a meeting here where the issue was raised of contracts for staff in rural and regional Australia terminating on 30 June, but them not knowing at this stage. As a result of that, immediately following the meeting, I took the people involved to one of the minister's advisers, who came around on the spur of the moment and spent some time with them. I could not stay, so I am not quite sure how it evolved. But I did get a message that the issue was being progressed and looked at. So you can do things without coming into the chamber and spending a lot of time hoping that you might get a bit of
a news headline out of this sort of issue. That is an important issue, but Senator Nash and Ms Sussan Ley are two of the best health ministers that I have seen in my very long time in this parliament and they far outweigh and they far exceed the relevance, interest and action of the health ministers—I am not sure how many there were—under the Rudd-Gillard-Rudd governments.

The motion we are talking to is take note of the minister's answers on why a question asked 35 days ago has not been answered. Under the Rudd-Gillard-Rudd government it was over four years that I had asked questions of the Rudd-Gillard-Rudd government and they still were not answered. The Rudd-Gillard-Rudd government went out of power before my questions asked in the early days in 2008 were even answered by ministers in the Labor government. So spare me the hypocrisy about questions not being answered. The Labor Party made an absolute art form of never answering questions in spite of us raising it time and time again.

There is also something else that I will raise. These are important debates, but the Senate has a process and from 3 pm to 3.30 pm there is take note of answers and senators adjust their time accordingly. In the time that I have been waiting to speak on take note of answers I have been and chaired a meeting of the Senate Legal and Constitutional Affairs Committee. Senator Bilyk could not get there because she was waiting to speak here. Other colleagues have been to and from meetings. The minister was going to deliver perhaps the most important ministerial statement in years at 3.30 today, and we were all preparing ourselves for that and we all wanted to hear about that.

Senator IAN MACDONALD: I do not care. These are important debates, and it applies to Labor people. We did not have a quorum in the committee that I am supposed to be at because Labor members are not there and I am not there. All I am saying is: have these debates, but the Greens have started this. As I indicated the other day, every time the Greens start this process I am going to participate because it does not matter to me. I can put off my appointments. People are happy to wait to see me.

An opposition senator interjecting—

Senator IAN MACDONALD: But someone has to somewhere along the line got to bring some discipline back. Senator McLucas spent 20 minutes and some of what she said was very important but she kept repeating herself. Whether this is a strategy of the Labor Party for some reason, which I am not aware of. I am not sure what the strategy would be. Senator McLucas kept repeating herself, repeating herself, repeating herself.

An opposition senator interjecting—

________________________________________

CHAMBER
Senator IAN MACDONALD: There was not anything new in the presentation.

The ACTING DEPUTY PRESIDENT: Order, senators.

Senator IAN MACDONALD: It just leads me to think that for some reason Labor Party senators have absolutely nothing to do. Although I wish they would attend some committee meetings, many of which they set-up and then do not bother to attend. I say this to the whole chamber—people organise their time from 3 pm to 3.30 pm to take note of answers, so you set these committee meetings up at 3.35 so that can happen. If this is going to become the norm from the Labor Party and the Greens, well just tell us so that we can make sure that these committee meetings are not set-up. We can tell the minister, with the most important ministerial statement in a long, long time, that we are all waiting for 3.30 and do not bother coming until six o'clock. Perhaps this is the strategy of the Labor Party. Here is a good news story on defence. The Labor Party are embarrassed because that is something they never did. They never had a defence white paper that was funded. They never had a white paper on defence that talked about any shipbuilding. Perhaps it is their strategy today to waste time so that this good news story of the minister's ministerial address does not get some airplay. I do not know what the strategy is, but it is a pretty poor one in any case.

The ACTING DEPUTY PRESIDENT: There is a point of order. Please resume your seat, Senator Macdonald.

Senator Moore: I rise on a point of order on relevance. It is my understanding that we were taking note on the lack of answer we have had from the minister about the mental health processes. I am not sure whether other people feel as though Senator Macdonald is being relevant to that particular issue or not. I do not believe so and I take a point of order.

The ACTING DEPUTY PRESIDENT: It is a timely reminder of relevance, and I draw the senator's attention to the matter before the chair and that is that the motion moved by Senator Gallagher be agreed to.

Senator IAN MACDONALD: Thank you, Madam Acting Deputy President. The motion is that we take note of the answer of the minister. The contributions that I have heard have nothing to do with the minister's answer. The government was defeated before we even got an answer. But anyhow, two months, 60 days, and I suspect it is not 60 days. The minister, as a recall her answer, said that she did not have the reasons. I think she is the representative minister in this area and she said she would find out and get back to the chamber. Since then we have had an hour and a half debate on the minister's answer. I can tell you I have sat here for some of it. As I said, I have been and chaired a committee and I have done a couple of things in the meantime. Most of what I have heard had nothing to do with the minister's response to why the question was not answered. If the Labor Party are going to do this then that is fair enough. I do not care; I really do not care. Important debates need to be set down. You have got opportunities to set down important debates, but please think of your colleagues. Do not think of me; I would not expect you to. But think of some of your own colleagues.
The ACTING DEPUTY PRESIDENT: Senator Macdonald, I would just remind you to make your remarks to the chair.

Senator IAN MACDONALD: I just urge Labor Party senators to think of their own colleagues and colleagues across the chamber who organise their times and their meetings with a purpose. This sort of new arrangement is, as I say, something the Greens have started on. If there is a Labor Party and Greens combined strategy following their six years in coalition government together, that is fine—but just let the rest of us know so that we can tell the minister who is busy and tell senators who are doing serious committee work when they should have their meetings. That is all I am saying.

I will conclude now after nine minutes and not the 20 minutes that Labor senators used to filibuster, repeating endlessly things they have said twice or thrice before. It was pure filibustering and not a contribution to the debate in the chamber. I want to conclude in record-quick time in this debate by saying that, while I cannot speak for them, I know that Minister Nash and Minister Ley are two of the most assiduous ministers in the government. They will be doing everything possible to deal with questions placed on notice or taken here at the earliest possible time. They both deserve a lot of credit and a lot of praise. I will certainly give that to them because they are two of the best ministers in the health area that I have seen in my long time in this parliament.

Question agreed to.


Leave granted.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Indigenous Affairs

Senator STERLE (Western Australia) (16:16): I move:

That the Senate take note of the answer given by the Minister for Indigenous Affairs (Senator Scullion) to a question without notice asked by the Leader of the Opposition in the Senate (Senator Wong) today relating to funding for programs for Indigenous Australians.

I want to refer to SNAICC, which is the Secretariat of National Aboriginal and Islander Child Care. It is the peak body for Indigenous children in Australia. Currently in Parliament House there is a delegation of 40 people who have come from services across Australia to campaign for a fair go for Indigenous children. They are deeply concerned about the inattention in the new jobs for families package for Indigenous children and families. They have been told that budget based funding services will be transitioned across to the new package but have been given no detail on how or when this will occur. They are rightly perplexed that the new package, which is focused solely on child care, could even be considered to be applied to services which do not fund child care but rather play groups and family support. Of those which do provide child care, 43 of the 46 budget based services are facing closure under the new model. Budget based services are not exclusively Indigenous but 80 per cent of them are.

In addition to the main issues with the budget based services, SNAICC have three major problems with the jobs for families package. Firstly, as the name implies, it is focused solely on workplace participation. It needs to factor in workplace participation and early childhood development. For restrictive access principles under the new policy, an estimated 78 per cent of Indigenous children participating in the BBF program will have their access halved.
because they do not meet the activity test. Research has shown that children who benefit more from early childhood education and care are the very children who will be shut out of these essential services.

Secondly, the package is modelled on urban centres and no consideration has been given to the economic realities for rural and remote communities. We have been told that the safety net provisions will enable families to continue to access care. However, this funding is kept at $300 million over four years and will be open to competitive tender.

Further, money for families experiencing temporary difficulty circumstances will force families to choose which area of deficit applies to them in order to access funding to enable these services to continue. SNAICC advocate that a dedicated stream of funding be established for Aboriginal children and their families that is not predicated on pigeonholing Indigenous families as socially disadvantaged and at risk.

I just want to go to some very unhelpful comments made by Dennis Jensen, the member for Tangney. They did not help this situation at all. I have been to Baya Gawiy and I have met with the workers, families and children. Baya Gawiy in Fitzroy Crossing in Western Australia is an Aboriginal community controlled early childhood education centre that meets the needs of families in Fitzroy Crossing, both Aboriginal and non-Aboriginal. Three-quarters of their families are Aboriginal and 70 per cent of them are working families. Ironically, under the new package, families would have to pay around $170 per child per day for those earning under $65,000 a year. This is clearly unaffordable and will drive working families out of employment in order to care for their children. The reason the costs are so high in communities like Fitzroy Crossing is due to fixed economic costs which cannot be changed through the three-year sustainability funding that the government seems to believe will resolve these issues.

In closing, I call upon Minister Birmingham to engage directly with SNAICC and its members’ services to craft a fair package to meet the needs of all Australian children, not just those from middle-class working families. I am personally insulted that this minister, Minister Birmingham, has deigned not to meet this delegation while they are here in Canberra this week. Further, the bureaucracy must provide the details of the full extent of the package because the devil is in the detail. I will stress this one more time: it is all very well for a minister to take the $300,000-plus pay packet that comes with the job, but they should have the decency to meet the people who know what is going on on the ground, particularly in my part of the world—the remote communities up in the Kimberley.

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (16:22): I also rise to speak on the motion to take note of the answers from Senator Scullion. I want to start off by recognising Senator Sterle and his genuine passion and concern for the people of Western Australia, particularly in Indigenous communities. In relation to his questioning of Senator Scullion though, I have to draw attention back to previous occasions when Senator Sterle has come in here with information that has been provided to him by people on the ground and with their view of what may or may not happen and has raised questions or made accusations about things closing down.

I take the Senate back to September 2014 where he asked questions about communities in Halls Creek and Fitzroy Crossing. He said that these centres were closing and he asked what the families were going to do. Senator Scullion pointed out:
The direct answer to your question is they are going to continue to go to these family and children centres because they are staying open. They are not going anywhere.

The point I make is that Senator Scullion, in his answer, is coming from the position of someone who lives in the Northern Territory, cares deeply for Indigenous communities and connects with people—

Senator Sterle: Ms Acting Deputy President, I raise a point of order. The good senator, unfortunately, is misleading the chamber. This is false information, and he should check with the minister's office and see how under-resourced these communities and these centres are. They have waiting lists. Kids are waiting to get in there, and this coalition cut the funding.

The ACTING DEPUTY PRESIDENT: That is not a point of order; it is a debating point.

Senator FAWCETT: Checking the record, I am quoting directly from the Hansard here. My point is that what the government is concerned about doing is getting outcomes for people. If you go back to my very first speech in this place, one of the things that I talked about was that a disappointing aspect of so much of politics is that people love to talk about the inputs. They talk about money spent or programs announced and then they move on to the next thing. One of the things I like about Senator Scullion in particular is that he is really concerned about getting outcomes for people, not just about making announcements. He drives policy announcements and he drives the implementation to make sure they actually deliver outcomes.

His key priorities in Indigenous affairs are getting children to school, getting adults into work and helping to build safer communities. Despite the threats, the talk and the fear campaigns about cutting front-line services, the fact is that the government is still continuing to invest some $4.9 billion over four years in Indigenous-specific funding. The government is not just focused on the funding though; it is focused on getting outcomes. Part of that is working in partnership with Indigenous and Torres Strait Islander communities to deliver better outcomes for our first Australians. I think this minister deserves a huge amount of credit for the amount of passion and attention to detail that he puts into this portfolio area and into getting those outcomes for Aboriginal and Torres Strait Islander people.

The budget update, the MYEFO—which is where some of the claims around funding have come from—includes that additional $48 million for the portfolio, as part of the white paper on developing northern Australia. This funding will help Aboriginal and Torres Strait Islander people in the North maximise the use of their land, including through better support for native title holders, improved leasing arrangements and reforms to land administration. The fact that that money is coming in through a different portfolio area but is applying to Indigenous people living in the North is indicative of the fact that the best way for them to develop their communities, as we are seeing from comments by Noel Pearson and others, is for them to engage with modern Australia and the modern economy and to provide opportunities for their children to have work, to see businesses grow and to see enterprises grow.

The enabling things, like better use of land title and the ability to develop business, are equally, if not more, powerful than some of the specific funding that goes into Indigenous programs. They provide those linkages to other aspects of the economy that will give them an opportunity to grow all of the things that Noel Pearson talks about, in terms of the
achievements, the pride and the satisfaction of having some control and influence over their future.

In taking note of this answer from Senator Scullion, I just want to reinforce the fact that he is a person concerned about outcomes. The government is continuing to invest significant amounts of money not only into Indigenous-specific portfolio areas but also into related areas that combine to provide people with an opportunity to achieve those goals of getting kids into school—because they will actually have a future and a reason to be there—getting adults into work and building safer communities, both for adults and, importantly, for children.

Senator LINES (Western Australia) (16:27): I too rise to speak on the motion to take note of answers to questions put by Senator Wong to Minister Scullion on funding cuts to the Aboriginal and Torres Strait Islander portfolio. Yesterday, in the chamber, I was really shocked to hear the government attack SNAICC, the umbrella group for budget based funded services, who are facing closures due to the cuts and changes that the government is making. The government attacked SNAICC’s Deloitte report because it shows that children will suffer and that services will close.

I will echo the words of Dr Jackie Huggins. When she spoke about the closing the gap report, she said that the government needs to be respectful. She said that in her working life she had never seen Aboriginal affairs at such a low point. There is no engagement and no respect. She agrees with Patrick Dodson and Noel Pearson that we are in deep crisis. We saw that yesterday in the Dorothy Dixers put by the government to Minister Birmingham. There is a real issue with budget based funded services. The Deloitte report clearly sets it out.

Instead of respectful engagement, the heart of what Dr Huggins goes to, we just saw this sledging going on in the Senate yesterday against SNAICC. The government need to sit down, talk and actually listen respectively to what SNAICC are saying about the funding crisis that they are facing. It is real. The government came in here yesterday, they were not being respectful and they just started to sledge. We saw that from Senator Scullion again today. I was very shocked when I heard him, in response to a question about cuts, say there was nothing particularly exceptional about that. Ask an Aboriginal or Torres Strait Islander person who has lost funding as a result of that. There is something exceptional going on here, and Aboriginal leaders across this country are saying there is no respect and the relationship with government has never ever been at such a low point. It is time the government listened respectfully and put in place solutions led by Aboriginal and Torres Strait Islander people, not white bureaucrats. That is what is happening here. The comments by Dr Jensen yesterday were a disgrace. (Time expired)

Question agreed to.

COMMITTEES

Report

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (16:30): At the request of the chairs of the respective committees, I present reports from the Legal and Constitutional Affairs Legislation Committee and the Legal and Constitutional Affairs References Committee as listed at items 12 and 15 on today’s Order of Business and a report from the Education and Employment References Committee as listed at item 15, together with the Hansard record of proceedings and documents presented to the committees.
Ordered that the reports be printed.

**Senator LINES** (Western Australia) (16:31): by leave—I move:

That the Senate take note of the reports.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

---

**BUSINESS**

**Rearrangement**

**Senator FIFIELD** (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (16:32): I move:

That the order of general business for consideration today be as follows:

(a) general business notice of motion no. 1045 standing in the names of Senators Day and Leyonhjelm relating to free speech; and

(b) orders of the day relating to documents.

Question agreed to.

---

**MOTIONS**

**Free Speech**

**Senator LEYONHJELM** (New South Wales) (16:32): I, and also on behalf of Senator Day, move:

That the Senate notes the Turnbull Government's failure to uphold free speech.

Treasurer Scott Morrison is currently having tax troubles with unicorns. What he means is that some of Labor's tax proposals are mythical, just like a unicorn. But what fits the definition of a unicorn even more appropriately is principled support for free speech in this parliament. It is entirely mythical. In fact, based on my experience since I was sworn in, it appears I am the only senator to consistently and without exception defend freedom of speech.

A position held across the political spectrum in the US by everyone from Bernie Sanders to Hillary Clinton to Donald Trump and Ted Cruz, and widely held in the United Kingdom by Conservative and Labour politicians, is in Australia represented by a single minor party senator—me. I have had people tell me that classical liberalism has no natural constituency in Australia. Of course, I hope they are wrong, but if they are right, we are confronted by a parliament that explicitly rejects a core part of the Western liberal tradition. That core part is freedom of speech, but freedom of speech not subjected to peculiar conditions, like notions of 'hate speech' or defamation laws that do little more than create a lawyers picnic. I do not want free speech to be a unicorn.

It is obvious the government only believes in freedom of speech in theory. Before the last election, Tony Abbott gave a commitment to modify section 18C of the Racial Discrimination Act, the provision used against Andrew Bolt. I was in the audience when he made that undertaking. He said:

The Coalition will repeal section 18C in its current form.
It won’t just be the current government that the debate over new restrictions on free speech will test. It will be all the commentators and organisations that have ever thundered in defence of free speech but find their indignation highly selective …

Mr Abbott also quoted Robert Menzies in a way that now makes his conservative predecessor seem like a regular Voltaire:

As Sir Robert Menzies declared …“The whole essence of freedom (of speech) is that it is freedom for others as well as (for) ourselves … Most of us have no instinct at all to preserve the right of the other fellow to think what he likes about our beliefs and to say what he likes about our opinions… (But) if truth is to emerge, and in the long run be triumphant, the process of free debate – the untrammelled clash of opinion – must go on”.

Somehow, things have moved from a promise to repeal 18C, to reneging on that promise, to the passage of vast swathes of legislation further undermining freedom of speech.

In the first national security bill, section 35P introduced harsh penalties for journalists who report on ASIO’s special intelligence operations, even when they report historical misconduct. At the time, I warned repeatedly about the danger this provision posed to investigative journalism and the chilling effect it would have on freedom of speech. I told journalists over and over that their ability to do their job was at risk. But not until the bill became law did it dawn on them, and a few others, that I might be right. I was vindicated entirely when Roger Gyles QC, the Independent National Security Legislation Monitor, delivered his report on this, where he said:

It creates uncertainty as to what may be published about the activities of ASIO without fear of prosecution. The so-called chilling effect of that uncertainty is exacerbated because it also applies in relation to disclosures made to editors for the purpose of discussion before publication.

He then pointed out that:

… the application in this manner of broad secrecy prohibitions to outsiders is not satisfactorily justified, including by precedents in Australia or elsewhere.

So, after telling me I was wrong during the debate in this chamber, the government has in effect conceded it was wrong and is now amending this obnoxious piece of legislation. They could have done that in 2014, when I first spoke up about it. I suppose I am only a member of that pesky crossbench, so I can be ignored.

The follow-up 'foreign fighters' legislation criminalised reporting on certain police searches and 'advocating terrorism'. It also defined 'advocating' in the broadest terms. In this context, it is worth remembering that the crime of 'advocating terrorism' and the 'insult or offend' provision in 18C, which is a civil wrong, are both premised on the assumption that hearing certain words will make people go out and do something vile. The problem is, these laws only serve to outlaw words that do not motivate bad deeds, because words that actually do motivate criminal acts are already dealt with through existing laws against incitement. When I pointed this out during debates on the bills, Senator Brandis argued that the problem with incitement is that it is hard to prove. Well, isn't that the point? Otherwise people could be banged up for saying anything, really!

However, while it is well known that incitement—if proximate in time to an incident of racial violence—may have a causal effect, there is no evidence that offence and insult enjoy such a relationship. Indeed, what evidence we have flows in the opposite direction. The belief that 'insult' and 'offence' lead to racist violence has a sibling under the skin: the assertion that
playing violent video games causes violent behaviour, coupled with the belief that watching pornography leads to rape. Both claims are untrue. Playing too much World of Warcraft may dent one's bank balance and watching too much porn may damage one's relationships. However, in study after study researchers have found that playing violent video games and watching lots of porn are correlated with reduced rates of violence and sexual assault.

And when it comes to hate speech laws, apart from being unsupported by anything approaching evidence, these have serious unintended consequences. Last year, UK polling firm YouGov surveyed British attitudes to Muslims, and discovered that Britons see Islam negatively but are unwilling to say so. In other words, governments and law enforcement have to rely on anonymised polls conducted by private firms to find out what people really think. It is attitudes that matter, not speech, and yet the law is aimed at what people say.

Labor's approach is no better. It always opposed changing 18C and gave supine support for the government's national security laws. Labor also supported mandatory data retention. Yet, in the wake of the Charlie Hebdo attacks, both Labor and the coalition loudly proclaimed their free speech credentials. The Greens are better in parts. They opposed the national security legislation and also opposed data retention. However, they passionately support 18C and are in favour of 'hate speech' laws generally.

It is not feasible to maintain partial freedom of speech in the long run. The fact that most Western countries now do makes our remaining freedom still harder to defend. Interest groups that might claim to support free speech but argue for exceptions to address their particular concerns cannot help but notice the inconsistencies. Only by insisting on free speech from a position of principle can this special pleading be resisted. For my part, I have not only opposed every one of these impositions on free speech but I co-sponsored Senator Day's bill to remove 'insult' or 'offend' from 18C.

The blanket bans on reporting special intelligence operations and various police searches, combined with data retention, prevents the media, bloggers and commenters from reporting without fear or favour and reduces government transparency. What all this means is that free speech is defended in some situations—when the speech is agreeable, linked to privacy, or relevant to a certain political constituency—but not others. It amounts to not supporting free speech at all. To make an old joke, selective support for freedom of speech is like being partly pregnant.

Shutting down speech by claiming you are offended or that something should not be said, or inhibiting speech by criminalising journalism, is an admission of failure to understand the whole concept of free speech. And if you do not understand free speech, you do not understand freedom. Freedom of speech is the paramount freedom. Without it, we struggle to exercise our other freedoms. With it, we can fight for those freedoms. It may be offensive, insulting and make governments and people uncomfortable, but if this is the price to be paid for living in a society where all claims are open to question, then it is a price worth paying.

I compromise on certain issues on the basis that some progress in the direction of liberty is better than none. But I believe all politicians in a liberal democracy should be uncompromising in defence of free speech. Free speech should not be a unicorn.

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (16:43): I am pleased to participate in this debate this afternoon as I am always happy to participate in
discussions surrounding freedom of speech in Australia. It is a subject that is of singular importance to me, just as I understand it is of singular importance to the two senators who have brought this motion forward this afternoon. I remain, of course, a co-sponsor of the bill that Senator Day and Senator Leyonhjelm still have before the Senate to make changes to the Racial Discrimination Act to remove the words 'offend' and 'insult' from section 18C. However, at the outset I do have to take issue with the wording of this particular motion, which charges the government with a failure to uphold free speech. I am not sure that charge can be sustained, though I will of course listen to the contributions of others this afternoon. But I would simply point out that the gravest threats to free speech in Australia, certainly in legislative terms over recent years, have tended come from elsewhere in this parliament. The Labor Party, with the notable exception of my WA colleague Senator Bullock, remain implacably opposed to any changes to section 18C. Of course they refuse to debate the subject in any meaningful fashion, preferring instead to send the usual brigade of hysterics into this chamber to screech the term 'racist' at anyone who has the temerity to question whether the present law is operating in a fair and effective manner.

Of course it was not the Minister for Communications in this government who jetted off to New York to boast that he was possessed of unfettered legal power to silence people or indeed to force executives to wear red underpants on their head. That, we recall, was Labor's minister, Senator Conroy—someone who was no friend of freedom of speech in that role. Remember his attempts, which mercifully failed, to in effect censor the internet through the Rudd government's proposal to introduce an internet filter. More disturbingly, recall his attempts as part of the Gillard Labor government to establish the public interest media advocate. This would have involved the regulation of newspapers, effectively meaning the government would determine whether or not the publication of particular material was in the public interest. I recollect that some said the scheme sounded positively Orwellian, and I suppose there are overtures of that in Labor's proposal. At the time it reminded me of a writer, someone with whom the two senators who bring this motion forward today are no doubt very familiar. In *The Wealth of Nations* Adam Smith writes of an order of men, which it would have been in his day, that works assiduously to beat back threats to established powers. Adam Smith says:

The proposal of any new law or regulation of commerce which comes from this order, ought always to be listened to with great precaution, and ought never to be adopted till after having been long and carefully examined, not only with the most scrupulous, but with the most suspicious attention. It comes from an order of men, whose interest is never exactly the same with that of the public, who have generally an interest to deceive and even oppress the public, and who accordingly have, upon many occasions, both deceived and oppressed it.

Of course of those words do not apply exclusively to Senator Conroy—they are watchwords for all time—but they elegantly summarise exactly what the former Labor government was up to when it made its botched attempt to regulate the content of newspapers in our country. They told us their intentions were good. Labor representatives variously tried to claim they were protecting diversity in the media, protecting privacy or trying to civilise the tone of our public discourse. That latter argument, of course, is one we also heard from Labor to support its continued opposition to reforming section 18C. I recall Senator Cameron's creative argument at one point that the phone hacking scandal in the United Kingdom was evidence of why the proposed public interest media advocate was needed in our country, which was a
novel approach given that there was no evidence whatsoever that what had gone on in the United Kingdom was occurring here in our own country. But that is always the problem with the Australian Labor Party. They think intentions matter more than outcomes and that attitudes inform their approach to a whole raft of policy measures. Thankfully that particular measure failed and Senator Conroy moved on.

I will be very frank on the subject of free speech. I am disappointed with the pace of this debate in relation to section 18C. I am sure that does not come as a complete surprise, given my long-stated position on the subject and my co-sponsorship of the bill of Senator Day and Senator Leyonhjelm. But I am not in the least bit discouraged. I think we are heading the right way, even if we are travelling too slowly from my own perspective. I certainly do not accept any assertion that the government has failed to uphold freedom of speech. It was Victor Hugo who wrote that 'an invasion of armies can be resisted; an invasion of ideas cannot be resisted.' More than 160 years ago, after Victor Hugo committed that thought to paper, it should serve as a continuing inspiration for those of us determined to strengthen Australia's protection of its citizens' right to free speech by reforming section 18C of the Racial Discrimination Act 1975.

Although it is true the fight has suffered some significant setbacks in the last 12 months, I remain an optimist. At first blush that attitude may seem incongruous with the prevailing political reality, yet my continued positivity is sustained by the knowledge that the supporters of reform have in our possession that most prized of political commodities—the commodity of momentum. If there is an enduring lesson to be gleaned from history, surely it is that a powerful idea can and will triumph over time and triumph over even the loudest of dissenting voices. This has been amply demonstrated by the course of economic policy over recent decades, which despite the occasional delay or regression has moved inexorably in the direction of freer markets. When the likes of Bert Kelly and John Hyde were parliamentarians during the halcyon days of Keynesian economics, their efforts to dismantle Australia's protectionist tariff wall and discourage fiscal profligacy by governments of both political persuasions were not universally applauded or appreciated. Indeed, they were sometimes portrayed as zealots, even by those within their own party. Yet they held fast at considerable political and personal cost because they were convinced that what they proposed was in the best interests of the economy and therefore in the best interests of Australia. Had they not pursued their objective and instead submitted to the prevailing wisdom of the time, how likely is it that the Hawke Labor government, supported by the then opposition, would have pursued pro-market reforms in the 1980s? Would Australia today be assigning free trade agreements with some of the world's largest economies and our most significant trading partners, as this government has done through the excellent work of the former Minister for Trade, Mr Andrew Robb. Would an agreement such as the Trans-Pacific Partnership Agreement enjoy such a widespread support?

The widespread acceptance of free trade as an economic virtue might seem inevitable today, but that was not necessarily the case 40 years ago. Likewise, consider the introduction of a broad-based consumption tax—an idea that had been pursued by economists and policy experts for decades but had enjoyed rather less support amongst the bulk of the political class. John Howard as Treasurer was convinced of the merits of such reform, yet found himself
stymied by a lack of political support from his then Prime Minister, Malcolm Fraser, who considered it very bad politics.

Howard's successor as Treasurer, Paul Keating, became equally convinced of the merits of a consumption tax and almost succeeded in pushing it through until, of course, the rug was pulled out from him by his Prime Minister, Bob Hawke, who also feared the potential political blowback. The defeat of the then Liberal leader, John Hewson, at the supposedly unlosable 1993 election on the back of an anti-GST campaign by Labor seemingly put paid to any prospect of meaningful tax reform in Australia for a generation.

Yet just five years later, Prime Minister John Howard secured an electoral victory, albeit narrowly, on the explicit undertaking to introduce a goods and services tax. What happened in the course of those five years? It is not as though the idea of the consumption tax suddenly became popular or even that it was necessarily better understood by the electorate. Rather, over the years, even throughout what seemed to be endless delays and defeats, the momentum for reform built. Even if the idea itself was not a popular one, Australians came to accept the need for reform in the interest of their families' and their nation's economic wellbeing.

Although the examples provided above relate to economic policy, I believe the principle is just as applicable to the reform of section 18C and strengthening the protections of freedom of speech in Australia. The evidence is clear. When Senator Day introduced his private senator's bill in 2014, my decision to be a co-sponsor was perceived by some as risky. In fact, there were only two Liberal senators to act as co-sponsors, yet in the little over a year that has elapsed since we have seen more and more Liberal senators come out in support of Senator Day's proposal to remove the words 'offend' and 'insult' from the provisions of section 18C.

Senator Canavan: And Nationals

Senator Smith: And, indeed, Nationals—thank you very much, Senator Canavan—joining with Liberals and Senator Day and Senator Leyonhjelm. In fact, there are now 13 senators—

Honourable senators interjecting—

The ACTING DEPUTY PRESIDENT (Senator O'Neill): Senator Smith will ignore the interjections.

Senator SMITH: In Canberra I am a very strong coalitionist. In Western Australia I am a very strong Liberal. In fact, there are now 13 senators on the record in support of reforming section 18C, including one from the Labor Party. That is nearly one-fifth of the chamber for a bill that, officially, does not have the backing of either major party. Why is this the case? I believe it goes back to the sentiments expressed by Victor Hugo: the opponents of reform may shriek loudly, but their sound and fury is not enough to overpower an idea whose time has come.

It has been an instructive experience to sit in the Senate on those occasions when reform of section 18C has been debated and to listen to the opponents of the reform mount their arguments. Generally speaking, their opposition is based around three flawed approaches. The first is that supporters of reform wish to give the green light to race hate speech. That idea is so patently ridiculous that, frankly, it does not deserve the dignity of a response. The opposition's next tactic is to highlight various contemporary examples of racist statements or behaviour and suggest that reform of 18C will simply encourage such acts. The Cronulla riots
are generally included near the top of the list of examples. Again, this arguments is self-defeating. Section 18C in its present form was on the statute books for a decade before the Cronulla riots occurred. It manifestly did nothing to prevent them. Those that were charged as a result of the riots were charged under various criminal statutes and not the Racial Discrimination Act of 1975. Those riots, which were ugly and unacceptable, proved the point. If someone is so irrational, so filled with prejudice and hatred, that they engage in the sort of behaviour that encourages the followers of a religion, a political party or some other organisation to physically attack or otherwise degrade those of a different view, I am not sure why people think two words in a piece of legislation are going to stop them.

The final strategy was to try and paint reform as an obsession of right-wing ideologues who are out of step with mainstream thinking. This actually is a very important and critical point. The problem here is that advocates for reform of section 18C do not hail exclusively from the right of the political spectrum. It is hard to affix the label of 'right-wing zealot' to the Chief Justice of the High Court, Justice Robert French, who noted in 2004 that the words 'offend' and 'insult' were a long way removed from the mischief that the Racial Discrimination Act was intended to address. It would probably come as a surprise and as news to activist lawyer Julian Burnside QC that he is an irredeemable conservative ideologue, yet he too has said:

The mere fact that you insult or offend someone probably should not, of itself, give rise to legal liability.

Sarah Joseph, the director of the Castan Centre for Human Rights Law at Monash University has noted that, Feelings of offence and insult are not serious enough to justify restrictions on the human right to freedom of speech …

There are other prominent Australians who would self-identify as being on the left or at least not being on the right of politics who have backed reform, among them David Maher, Jonathan Holmes and The Age newspaper. There are a good many eloquent words spoken on this subject right across the political divide. Some of my favourites come from 1994, when the original parliamentary debate on the introduction of what is now known as section 18C was occurring. They are worth repeating today:

… under this bill all that is necessary to create a civil offence is for someone to feel offended, insulted or humiliated. In other words, all that is necessary to create a civil offence under this bill is for someone to have hurt feelings.

… … …

… the best argument against bad taste is not to make it illegal. What we need to combat racism is argument, not censorship; we need exposure, not suppression.

The speaker in that instance was the member for Warringah, former Prime Minister Tony Abbott. Indeed, the current Prime Minister, Mr Turnbull, has expressed support for the aims of what is contained in Senator Day and Senator Leyonhjelm's bill. In May of last year, the now Prime Minister said that the proposal to remove the words 'offended' and 'insult' from 18C is:

… broadly supported and I was very comfortable about that, I didn't think that would have any negative impact.

Earlier in my contribution I mentioned my fellow Western Australian colleague, Labor's Senator Joe Bullock, as also being someone inclined to support reform in this area. Indeed,
Senator Bullock used his first contribution in this place to underscore that point when he told us in his first speech:

To be tolerant of your views I do not need to pretend that you are just as right as I am but rather to accept that you have a perfect right to hold a view I believe to be wrong, even if I find your view offensive.

Plainly, this issue is not one that can be couched in traditional left-versus-right terms. Attempts to do so are disingenuous.

However fervently the opponents of reform in the Australian Labor Party and elsewhere may wish this debate would go away, the plain fact is that it will not. The momentum for change is undoubtedly building, even if the pace is slower than some of us would like. Fundamentally, the parliament faces a pretty simple choice. That choice relates to how we view those we are sent here to represent. Either we trust in the basic decency and fundamental fairness of Australians or we do not. Either we believe that Australians are mature and intelligent enough to know racism and bigotry when they see it, and dismiss it, or we believe that Australians are helpless, unthinking rubes who need the government to protect them from things they find distasteful.

Clearly, many senators opposite take a very dim view of those they are supposed to represent. They seem to believe that there is a pervasive culture of racism in our country, that the air crackles with bigotry and that the only thing stopping it are two words in section 18C of the Racial Discrimination Act. That is a view I reject. I think it is a view most Australians would reject. I believe Australians are fundamentally decent, open and tolerant. We can have disagreements on issues but in a respectful way. If passionate public debate on occasion gives rise to hurt feelings, my view is that that is a small price to pay for the privilege of living in a free society.

In closing my contribution today, I would again say that I disagree with the premise of the motion before us. The government has done much to uphold freedom of speech and I am confident that in time, and with the support of this parliament, it will be able to do more.

Senator McALLISTER (New South Wales) (17:02): The motion before this chamber is very, very broad in scope. I commend Senator Leyonhjelm for his broad and thoughtful speech, which ranged across a wide range of policy areas and pieces of legislation, although I think he will be unsurprised to hear that in so doing I do reserve to my right to disagree with him quietly in some respects.

Inevitably, the topic leads us back to section 18C of the Racial Discrimination Act. I listened carefully to Senator Smith and his contribution. I will acknowledge that that is a more measured contribution than the general tone of this debate over the last couple of years. I note his pessimism about progress. I am not entirely sure that I disagree with him, because in fact I would not be surprised if those who are advocating for 18C get what they want.

Let us think about where our Prime Minister, Mr Turnbull, is at the moment on those policy positions he has held so dear for so long. He has already betrayed the moderates in his party on marriage quality, he has already betrayed the moderates in his party on climate change, he has failed to deliver the sensible mature economic debate he promised, he has failed to end the policy on the run and, most recently, he is walking away from protecting vulnerable teens from bullying in schools. I would not be surprised if the Prime Minister completes his transformation into a reincarnation of former Prime Minister Abbott by
reintroducing the legislation that will restore the right to be a bigot: the amendments to section 18C of the Racial Discrimination Act.

This motion wants to call out the government for its failure to uphold freedom of speech. I want to call out the government for a number of other things: for its failure to vocally protect minority and vulnerable communities and its failure to avoid the damaging debate about 18C that saw the Attorney-General of this country—no less than the Attorney-General of this country—say out loud, in a public form, that you have the right to be a bigot and then to continue to stand by that statement. In so doing, I believe that it give the government's imprimatur to racist epithets—those epithets that are hurled from passing cars at Muslim women who have the temerity to wear head scarves or at Indian workers who are just doing their jobs.

But I want to go more broadly to the impacts of 18C and to its context in the overall arrangements for freedom of speech in this country, because we need to be very clear. 18C is not the first burden on free speech, nor is it the biggest burden. There is the classic example of shouting 'fire' in a crowded theatre. We do have laws that prohibit speech which incites others to violence. But it is not just where safety is concerned that we limit free speech. Political communication is recognised as a special, protected expression of free speech and has been recognised as such by our High Court.

Yet even here in the parliament, this place for politics and political communication, there are constraints on how we conduct ourselves. We do need to refrain from using offensive words or offensive language—or at least we do need to do so in relation to one another. We will have to wait until Monday to see if we may use offensive words and offensive language in other contexts. Standing order 193 provides that:

A senator shall not use offensive words against either House of Parliament or of a House of a state or territory parliament, or any member of such House, or against a judicial officer …

I will just explain that this provision underpins the maintenance of comity between houses of parliament, through the nation and between the legislative and judicial branches of government. This is a restriction on free speech, certainly, but it is one that we accept because it underpins the kind of political society, and the nature of political debate and political communication, that we see as being fundamental to a civilised and democratic society.

There is the question of offensive language in public, another area where we do not allow out citizens to give free range to their worst instincts. It is a crime to use offensive language in a public place. In New South Wales last year 12,000 people were convicted of breaching criminal summary offence provisions concerning offensive language. Merely using a profanity in public can be enough to see you convicted of such a provision. And of course a very significant area where we seek to restrict speech is given effect by the laws of defamation. For those who enjoy fine dining, there was a classic, and one has to say somewhat entertaining, defamation case a few years ago. A Sydney Morning Herald food critic reviewed a particular restaurant and described a chicken dish as ‘outstandingly dull’, using the somewhat entertaining language preferred by journalists, quite understandably. They used very evocative language to savage the restaurant. On that occasion the court awarded $600,000 in damages.

So it is wrong to say that these provisions that exist in the Racial Discrimination Act are unique in their effect of limiting free speech. It is a principle that is embedded in a range of
ways in different laws which seek to protect a range of characteristics of the society we live in. The Race Discrimination Commissioner, Dr Tim Soutphommasane, quite rightly said:

To those who would say that hate speech regulation in particular places unduly excessive restrictions on speech, I say this: if we can accept that politicians must refrain from using offensive language, if we accept that you can be convicted for using offensive language in a public place as a criminal offence, if we accept that you may be liable to pay out $600,000 for saying you didn't like a chicken dish, then it is only right that people are also held accountable for those acts which involve racially abusing and vilifying another person in public.

Just because a policy burdens freedom of speech, that does not in and of itself make it illegitimate. I support freedom of speech, but it is not an absolute right, and in this regard I differ specifically from Senator Leyonhjelm. This right to freedom of speech has to be balanced against the rights that others have.

The basis of a civilised, democratic society is in balancing the competing rights that our citizens have against one another to improve the common welfare of all. There is no right that is absolute, and nor should there be. Every right has the capacity to impact on the lives of others and in so doing to impinge on others' rights. Think about our right collectively to security and safety versus the right to freedom of association. Both of these things are important and both are things we seek to balance in framing our criminal laws. Similarly, think about the right to freedom of movement versus the right to secure enjoyment of one's property. We seek to balance those through a series of property laws that manage the ability of people to move around the landscape that we all share and yet allow people, whether they are renting or owning, to have secure enjoyment of their own home. In a similar way, the right to freedom of speech is balanced against the right to be free from discrimination and vilification.

For some parts of our community and for some political actors in particular, freedom of speech appears to be a singularly important issue—more important than any of these other rights—but there is no real basis for this. The right to freedom of speech is not inherently more important than other rights. I want to quote again from Dr Soutphommasane, who I will say has made a very significant contribution and a significant intellectual contribution to the way that we might think about these things. Back in 2014, he said:

Those who advocated for a repeal of the [Racial Discrimination Act's] provisions on racial vilification have argued that freedom of speech is paramount in our society. This proposition does not sit very well with the human rights approach for one very simple reason: human rights are indivisible and they are interdependent in character. That is to say, there is no hierarchy when it concerns freedoms. You can't simply assert one freedom and say that it is the most important one, because how we enjoy one freedom can often depend on how we enjoy other freedoms. For example, whether we can exercise freedom of conscience is purely academic if we do not enjoy security.

He went on to say, 'These sorts of nuances aren't always reflected in our debate.' And he concluded by saying, 'But they are absolutely essential in ensuring that we get the right national conversation.'

There are some in our national conversation who seek to prioritise the 'traditional' rights of the classical liberal position over rights that have been recognised more recently. And I do note that Senator Smith's contribution, which as I said earlier was very thoughtful, drew heavily on those thinkers and writers from the classical tradition. And I acknowledge how very important they are to the political tradition that we inherit as participants in this chamber.
However, there have been very significant developments in the way that we think about rights—rights have been recognised since that time. While the classical liberals were focused on property, on speech and on the rights to vote, we have recently acknowledged that a healthy life within a healthy society actually also requires the right to be free from discrimination, the right to have access to health care and the right to education.

I would make the point that this prioritisation of classical liberalism’s priorities over more recent concepts and ideas is quite flawed in that it ignores the historical development of the idea of rights. Classical rights themselves were not respected since time immemorial. They themselves were products of social change. They themselves were once new ideas that were bitterly and fiercely resisted in the societies in which they emerged. A static view of rights that is frozen in the early 1800s ignores the capacity of societies to change and for us to develop more sensitive and sensible frameworks for the fundamental aspects of someone’s civic, economic and personal life that society is willing to protect as a right.

It is wrong to say that a right like freedom of speech is superior simply because it has an older provenance than the right to be free from discrimination and vilification. If this were true, it would have been equally true to say to JS Mill and the proponents of liberalism that the Crown’s right to be free from insult was superior to the new ideas of freedom of speech. These are things that will need to be balanced against one another in a sensible national conversation, and to simply prioritise one right over all others is not a tenable basis for a sensible policy outcome.

I want to change direction and say that the burden placed on freedom of speech by section 18C of the Racial Discrimination Act is a proportionate and reasonable one. It says that anything that is ‘reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate’ on the grounds of race is unlawful. The courts have chosen to apply this very narrowly. It is in fact not enough to say that you have been offended, insulted or humiliated on racial grounds. In fact, the courts have sought to test it against an objective measure and have said that it must involve an act that causes serious and profound effects.

It is also true that there are limited consequences if you are convicted under these provisions. It is not a criminal provision. You cannot be convicted or thrown in jail. These provisions merely entitle someone to make a complaint to the Australian Human Rights Commission. And the dispute resolution process that is thus triggered emphasises conciliation, education and apology rather than sanctions.

Ultimately, when we are assessing legislation of this kind, we need to weigh up the importance of the rights being protected against the importance of the rights that are being infringed. It is clear why it is important to create a society without racial hatred or vilification. The type of society we want to live in is one that is cohesive and harmonious and in itself will support a robust public debate, but that cannot take place if it is undermined by the corrosive effects of racism and racial discrimination.

Despite the assertions from others in the debate, it is also the case that condoning verbal racial abuse creates a culture of acceptance that can lead to further expressions of racial hatred such as discrimination, physical violence and ostracism. There is in fact a significant body of evidence that indicates that the outcomes for people who are subject to racial discrimination and abuse are worse than they are for the rest of the population. This is particularly the case for Aboriginal and Torres Strait Islander people in Australia, where the evidence
demonstrates that there is a very strong link between being subjected to racial abuse on a regular basis and poorer health outcomes, whether that is physical health or mental health. This evidence cannot be ignored when we are trying to have a conversation in the abstract about the nature of freedom of speech. It needs to be balanced against the very real outcomes for those who experience racism in their day-to-day lives.

In concluding, I will ask the question that I asked the last time that we came to this chamber to discuss this issue. Why is it so important to allow people to offend or insult people of other backgrounds? Why is this issue so continuously on the public agenda? Why is it brought, time and time again, into this chamber? What are the situations where people have had a legitimate and important public debate fouled because of the provisions in this act? I asked that question last time, and I still have not heard a credible answer. What is the harm that is actually being done by this legislation when compared with the benefits that it currently provides to those who may find themselves subjected to racial discrimination and racial abuse?

I think the reason that we have not had an answer is that the answer is, 'Never.' There is no legitimate debate, no important debate, that is being stopped by these provisions. The speech that is stopped by 18C is not productive. It never is. That act simply prevents racist and insulting statements, and it prevents speech that is on the margins—hateful, hurtful speech. Speech like this poisons the well of public debate. It does not just do harm to its immediate targets; it harms us all. It leaves us to deal with a public discourse that is fractious and corrosive and ultimately will drive us apart.

Senator DAY (South Australia) (17:19): Senator McAllister concluded her speech by asking: why is it so important to remove these sections? Let me tell the honourable senator and others why. Free speech is the hallmark of truly diverse and mature societies. There is no greater threat to the stability of Australia than the silencing of free speech. And, if the government truly cared about free speech, it would want to reform section 18C of the Racial Discrimination Act. I will say a little more about that later.

If the government truly cared about free speech, it would move swiftly to protect free speech for churches, for example, that wish to advise their parishioners and schools what their church's teaching is. If the government truly cared about free speech, it would respond strongly to the attacks from the Human Rights Commissioner on the Australian Christian Lobby, who have, rightly, called out the toxic environment in the marriage debate that will result in people who have been exercising free speech being hauled before tribunals.

If the government truly cared about free speech, it would be moving more quickly and more decisively about the so-called Safe Schools program. It would see that the term 'safe' is a dead giveaway, a blink moment, when everything you need to know about something is there in the blink of an eye—or, to use a biblical term, a shibboleth. It is a dead giveaway. So-called Safe Schools has nothing to do with prevention of harm and bullying but everything to do with cultivating the Australian version of the bizarre movement in American university campuses called 'safe spaces'.

The so-called Safe Schools program is about creating state run places—schools, universities and anywhere else reliant on public funding—where anyone can pretend to be whatever they want to be, despite the evidence to the contrary, and, in some cases of children, against the wishes of their parents. The Safe Schools program is antiparent. It was first
claimed it was an opt-in program but now we know that in primary schools and high schools parents are not being consulted and children are being exposed to ideas contrary to the values of their families. It smacks of the intolerant seizing state apparatus to drive their view of the world, the latest orthodoxy, down the throats of children without their parents' knowledge. North Korea gets schoolchildren to tip off teachers, and thereby the state, that their parents have a Bible in their home. Be very wary of those intolerant of different views when they start invading schools.

When our freedom of expression is restricted, everyone suffers. Some will suffer now; others will suffer later. Some may ridicule my ideas today but they could very well be your ideas tomorrow. Therein lies the rub. There is no end to the crusade against free speech. Only a few months ago Germaine Greer was 'no platformed' by a British university. The student union pressured the administration to cancel her appearance, writing:

Greer has demonstrated time and time again her misogynistic views towards trans women.

While debate in a university should be encouraged, hosting a speaker with such problematic and hateful views towards marginalised and vulnerable groups is dangerous. The absurdity of Greer, a champion of radical feminism, referred to as a misogynist beggars belief. This would have been unthinkable until very recently. Although I may disagree with her views, to call them 'dangerous' and 'hateful' is excessive and manipulative. She has not been intimidating, humiliating or inciting violence. Her crime was simply to disagree with another ideology. It is obviously lost on these self-appointed gatekeepers of tolerance that their position was built upon the very freedom to disagree.

The transgender cause would not have been possible without the help of cultural revolutionaries like Greer. Both then and now the free exchange of ideas affects hearts and minds to bring about change, but will the same opportunity be granted to opponents of these new views? No way. The elites prefer strict speech codes to shield themselves from rational debate. The logic of the opponents of free speech is saturated with irony and hypocrisy.

It is not enough that political correctness has stifled honest debate; now everyday Australians are in fear of being labelled a criminal and sent off to face a tribunal. When we hand over critical, independent thought to state bureaucrats, kangaroo courts and demagogues we are in effect collectively saying: 'Please tell us what to think. Whatever the cultural arbiters decide what "hate speech" means today I will toe the line.'

Those who dissent should look out. Resisting the latest politically correct orthodoxy has become costlier than ever. Not only has the Tasmanian Human Rights Commission dragged an archbishop across the coals; it has declared that all Catholic bishops have a case to answer. Their crime? Distributing a booklet that says marriage is the best environment for raising children. This describes the Catholic position held for millennia. With just one complaint lodged, investigation and mediation were underway. These complaints do not even need to be legally defensible for proceedings to begin. Bear in mind, the complainant bears no legal costs; it is all on the victim of the complaint, however perversely—they are portrayed as the aggressor and the complainant as the victim. It is now considered reasonable state policy to selectively censor Australians by weaponising human rights tribunals.

Tolerance has become a one-way street. Your views will not be tolerated if they do not agree with the latest orthodoxy. Are we not students of history? Don't we know the way things play out in history when free speech is repressed?
If you think freedom of speech is only suffering in these state run kangaroo courts and commissions, think again. The Federal Circuit Court is now hearing another case applying section 18C of the Racial Discrimination Act. A former university employee is seeking $250,000 in damages from students for Facebook comments that she alleges offended her. We are failing our cherished traditions of instruction through facts, satisfying the curious and transforming open minds. Ideas cannot be fleshed out, iron cannot sharpen iron and satire cannot teach and amuse; no, the debate is supposedly over and we all must submit in fear to threat of legal sanctions.

The concentrated willpower of the elites has spoken. What is more, the would-be paragons of virtue, the preachers of tolerance, are almost always walking into parliaments demanding evidence based policy. Yet in the free speech arena, feelings trump evidence every time. British comedian John Cleese, who is touring the country at the moment, said:

The idea that we have to be protected from any kind of uncomfortable emotion is one I absolutely do not subscribe to.

He is referring to the laws that fellow comedian Rowan Atkinson has also objected to in the United Kingdom, laws that elevate offence above the value of free speech.

People who make complaints to kangaroo courts and tribunals in this environment of weaponised antidiscrimination laws can rely on the high likelihood that these same tribunals will not question whether they were actually offended or whether a reasonable person would be offended in the same circumstances. If a person says they were offended then that is good enough for them. It is a licence for political activists and troublemakers to use these weaponised laws to silence their opponents and to begin turning the screws on the public presence, business and activities of those they disagree with. Their ultimate aim is to drive those who disagree with the latest orthodoxy out of the public realm and, presumably, off to become hermits living in the woods—or worse if history is a guide.

My bill to amend 18C is a small step towards a return to sanity and a barricade against us sliding into a toxic environment that has given us horrific, tragic and regrettable outcomes in history. The intention is simple: keep the words 'humiliate' and 'intimidate', but remove the highly subjective terms 'offend' and 'insult'. We must do it now, before everyday Australians hold their tongues in fear of state reprisals. We must restore power to ideas and convictions, out of the hands of ideologues and their would-be utopias. We must resist all attempts by the state to favour one group's speech over another's. Only when every Australian is free to challenge and be challenged can real change occur. Only then can truth prevail.

What should be a bedrock principle of the so-called Liberal Party has become mired in controversy. Some 14 senators within the coalition have acknowledged the debt we all owe to liberty, and I applaud them for publicly declaring their support for this bill. I am grateful in particular to my bill co-sponsors, some of whom are listed to speak on this motion. I do not mean to denigrate them personally when saying the government has failed to uphold free speech. They, collectively and unfortunately, are lumped in with a government that does not seem willing to act. I do hope they can win the internal argument that sanity and free speech must be restored. The record, though, at this stage, is clear: the government is not yet ready to uphold free speech. It tolerates everyday Australians, from bishops to unemployed university students, being dragged off to tribunals, facing massive legal bills and losing their right to free speech.
Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (17:32): Might I say, at the outset of my contribution, that I want to reflect just briefly on the contributions that have been made since I came into the chamber. I thought that Senator Smith's contribution was very well made—a very thoughtful contribution and presented very professionally. I also attach some of my remarks to the contribution made by Senator McAllister, which I also thought was very thoughtful and to the point on this issue. As is the case most of the time, I agree with most of the things that Senator Day has to say—except, of course, that I would reject the initial premise that the actions or omissions of the Turnbull government have contributed to a diminution of free speech in our country.

I have had the good fortune in my life to have travelled very extensively around the world, to every continent, and I have been in and out of about 900 passport controls, in every corner of the earth. I would have to say to this chamber that there is no other place on this planet where I would prefer to live and that has the freedoms, liberties and cultures of this great country of ours here in Australia. Having said that, I note that there is always room for improvement. Senator Day, you have, I think, provided a road map today for some sensible consideration of some issues that will, I think, enhance the issues relating to freedom of speech.

Freedom of speech is the concept of inherent right to voice one's opinion publicly without fear of censorship or punishment. Speech is not limited to public speaking, and it is generally taken to include other forms of expression. In effect, it is about communication of one's opinion without retaliation from a government of any type, be it federal, state or any other form of grouping that governs our country.

Of course, freedom of speech also comes with enormous responsibilities. My first encounter with having given thought to freedom of speech occurred when I spent a long period of time in the United States in the mid-1980s, when I was attached to the Behavioral Science Unit of the FBI. I can remember being involved in critiquing an organisation there called NAMBLA, the North American Man/Boy Love Association. This was a public body. It was a listed company. It had offices in Washington, New York and other places in the United States. It had about 120 staff, and one of its most fundamental objectives in life was to lobby the congress of the United States and various state legislatures to reduce the age of consent from what was then 21, as it was in our country; it is now 16 both here in Australia and overseas. Its argument was that children—and I still regard a 12- or 13-year-old as a child—who were, in effect, in a post-puberty state ought to exercise the right to engage in any sexual activity that they consented to.

This body could not exist, and could not have existed, without the protection of the United States Constitution and Bill of Rights for freedom of speech. With freedom of speech come particular responsibilities. I reject, and I will do so a number of times throughout my contribution, any proposition that the Turnbull government or, indeed, this coalition since it has come to power, has failed to take those measures necessary to support the concept of freedom of speech. In fact, during my contribution I will refer to some measures that I believe have made a great contribution to the issue of freedom of speech as we find ourselves in uncertain times, particularly with respect to matters of national security.

But I will focus for a short period of time on Senator McAllister's reference to the fact that there are attacks on freedom of speech even here in this chamber, in this place, during the
business conducted by the Senate, and in committee hearings. I have myself been the subject of quite vitriolic intervention as I have pursued issues—for example, before the Human Rights Commission. I find that when I express, in that case, in a Senate hearing—

Senator Bilyk: What—in estimates?

Senator O'SULLIVAN: Through you, Mr Acting Deputy President, I am telling you, Senator Bilyk, that you need to listen up here, because it has come almost entirely from your side and the Greens. The fact of the matter is that you can, on occasions here, express your views through—

Senator Bilyk: I can't believe it!

Senator O'SULLIVAN: Listen. I have sat here silently throughout the contributions to this important debate, and I expect nothing less from you in return. You are a living example, Senator Bilyk, of how, when people express a view that is not consistent with yours, there are acts of disruption in this place.

Senator Bilyk: Oh, heavens!

Senator O'SULLIVAN: There we are. I hope Hansard picks it all up. We had a situation recently—

The ACTING DEPUTY PRESIDENT (Senator Whish-Wilson): Senator O'Sullivan, ignore the interjections.

Senator O'SULLIVAN: where we expressed a view about the Safe Schools program. Again, one would argue that there is freedom of speech involved in this case through publishing certain facts. With respect to that particular program, which is now widely spread amongst our schools, we have seen an attempt to deconstruct some mainstream views that are held. I suppose the question is: are they entitled to do that? I say that when you apply the test of responsibility they fail that test. When you apply the test of responsibility to whether you should expose 12- and 13-year-olds who are going through a confused state of puberty to the material that is published in those documents, whilst one may exercise freedom of speech to publish those things, that test has failed.

Attacks on freedom of speech and attacks on people's rights come in so many forms. It is not just to do with a person's ethnicity or religious beliefs. People are often bullied—we can use that term if you like. People exercising their freedom of speech will attack people for their physical characteristics. I might say, in a light moment, there have been references made about my physical characteristics. But this also occurs with the aged and the disabled. It occurs with people in relation to their socioeconomic circumstances, their educational status, their academic capacity, their sporting prowess and their expressing a view on any subject matter. That is one of the particular problems that we have here within this Senate, within this parliament, within this place, where we are supposed to set an example. Some of the contributions that are made are not very mature. People use freedom of speech to denigrate people about how they dress and their preferred genre of music and literature, and on and on it goes.

For our part, one of the first times freedom of speech was articulated at an international level was with the Universal Declaration of Human Rights in 1948. It said:
Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Whilst that declaration is not legally binding on our nation, we are a signatory to it. It is one that I think our country respects. I know that we apply the provisions of this definition when we consider legislation in this place. Again, I contest the principle behind the subject matter this afternoon, which is that the Turnbull government and, indeed, this coalition since it has come into power, has done nothing about freedom of speech. It is interesting to note that, except for one or two examples, which I will address as I go forward in my contribution, very little evidence has been presented to support the thesis that, somehow, the Turnbull government has failed to support the right of freedom of speech. I will refer to this in the future as 'freedom of responsible speech'.

One of the references has been to national security. When it comes to freedom of speech, there are all sorts of limitations that I think are reasonable and responsible. We see confidentiality provisions in all sorts of legislation—not just about national security but often in relation to law enforcement agencies. There are limitations and—indeed, legislative restrictions—on people having the freedom to speak about some of those issues associated with live investigations or the operations of a court. There is no need for me, I assume, to elaborate on why those restrictions exist. They are fair, they are reasonable, they are considered and they are necessary for the effective operation of, in these cases, courts, law enforcement agencies and indeed all arms of government.

They exist in the area of professional privilege—for example, between a lawyer and their client or between a doctor, other medical practitioner, psychiatrist or psychologist and their patient. In business, there is commercial-in-confidence, where there are limitations on people's freedom to express themselves where they might release confidential information that would damage a corporation or a business entity. There is a tacit confidentiality between students and teachers. There are, you would accept, many, many other limitations, but I for one think that those limitations are reasonable.

Again I make the point that, within the scope of my knowledge, there is nothing this government has done in legislation that would offend the principles that have been set out by the UN declaration and the general definition of 'free speech', not in the time that I have been in this place. In levelling that accusation at the government, you need to look at what action has been taken when the government have been confronted by such issues. For example, as we have restructured some of the framework and architecture around national security agencies over recent months—and of course we are strongly committed to national security agencies—we have paid very serious regard to protecting these rights and liberties that we have. We all know that protection sometimes can challenge rights and liberties. When protection is provided, you may have to surrender a small liberty, or sometimes a large liberty, in exchange. We have all felt that. Those in my age group who travel through airports understand how much things have changed in the last decade or more.

We also put in place a mechanism, the Independent National Security Legislation Monitor, whose role is to review the operation, effectiveness and implications, importantly, of Australia's counter-terrorism and national security. That monitor makes recommendations to the government—it is independent of government, so the government does not have any
capacity to influence its work—and freedom of speech, freedom of movement and all these liberties and freedoms that we have are right at the heart of the monitor's charter. The government has implemented each and every one of the monitor's recommendations in full—each and every one, without qualification, without amendment. They have been introduced by this independent body.

The coalition also commissioned the Australian Law Reform Commission to do a far-reaching review to see whether there is any legislation brought in by us or that we have failed to implement that unreasonably encroaches upon traditional rights, freedoms and privileges—including, of course, freedom of speech. This review is one of the most comprehensive and significant inquiries ever undertaken by the Law Reform Commission—ever. I will not bore the chamber by going through the terms of reference line-by-line, all of the areas they were asked to examine, but I challenge anybody in the Senate to identify any category or area that needed to be looked at that is not there where that constitutes some failure on the part of this government to preserve the right to freedom of speech.

At the end of my contribution, I want to make this point. When a decision of the parliament does not accord with a person's view—and every day we leave this place there has been a decision that might not accord entirely with our view—that does not form a basis for us to argue that somehow our right to speech was so limited, so inhibited, that we were unable to influence this poor decision, or this decision that we did not agree with.

From my broad knowledge of this parliament over many years, even though I am a relatively new participant in it, I really do believe that both sides of the parliament hold the right to free speech very close to their hearts. They understand that it is a fundamental element of a civilised and democratic society. I will not be part of any criticism of any efforts of the Labor Party previously, because I think there are some very decent people in the Labor Party who hold this value way up high—at No. 1, I suspect—on their list of values. All I urge everyone to do is to consider how we conduct ourselves sometimes in this place and that we allow other people to express themselves without being denigrated, because that is a form of suppressing freedom of speech, as Senator Day identified. If people get to a point where they do not feel comfortable expressing themselves any longer in certain forums or in a certain manner, that, I think, would be a fundamental failure on the part of each and every one of us in this place—if we are not prepared to stand up and speak our minds without fear of intimidation, and it comes in so many forms, from colleagues in this place or from pressures from outside this place.

I close as I started. I have spent a lot of time around the world, and this is the finest country. It has the finest freedoms and liberties that I have experienced anywhere on the globe. I am a very proud Australian—I know we all are—and I think we need to seriously think about how we conduct ourselves to ensure that freedom of speech is not only maintained but enhanced. Thank you for the opportunity to speak.

Senator GALLAGHER (Australian Capital Territory) (17:52): I welcome the opportunity to speak on this motion this evening. I have listened to most of the speakers this afternoon, if not in here, then in my office. I can certainly say that it is fairly easy to support the first eight of the 12 words—that the Senate notes the Turnbull government's failure—which are the extent of this motion, and then we could insert a whole range of other words
after that. But for the purposes of this debate this evening we are focusing on section 18C of the Racial Discrimination Act.

It is interesting to listen to some of the speakers who advocate the abolition of section 18C and of watering down the protection against racial vilification. I wonder how many of them have experienced racial discrimination at its core and understood the impact that racial vilification has on an individual and on individual communities across Australia. I wonder if they have, or if they have had contact with people who have. It is perhaps through that learned experience that you realise how important protections like section 18C are.

My understanding of the historical origin of section 18C is that it was founded back in the early nineties under the Keating government and had some links to the Royal Commission into Aboriginal Deaths in Custody. Before the Racial Discrimination Act was amended to include this section, there had been extensive reports on and consultations into the impact of racial vilification on various communities. This was not something that just appeared in legislation; it was a response to the lived experience of minority groups within this country—and it has served the test of time.

I listened to Senator McAllister ponder in her speech on where the anxiety about section 18C originates from. Why is it that in the last 2½ years this has become somewhat of an obsession for certain members and senators in this parliament when it has existed for more than 20 years? Section 18C sends a powerful message about the standards that we expect, that every Australian can be treated with respect and, at times, be offered protection under law. I have heard some of the concerns. I think Senator Smith brought up the fact that the people involved in those ugly Cronulla riots were not prosecuted under section 18C but, instead, under the Criminal Code. That is absolutely correct and that is as it should have been. But that does not mean that section 18C is not useful or serves no purpose.

We have laws, which are interrelated and serve a particular purpose, that align together when needed. In this instance, the Racial Discrimination Act sends a very clear message that has served Australians very well. It does offer protection. It does balance freedom of speech. If you look at it, the Racial Discrimination Act already contains very strong protection for freedom of speech. I do not think you will get any stronger defenders of freedom of speech than senators in this place. But we also acknowledge that, at times, people should be afforded protections for particular actions of others.

Section 18C renders conduct unlawful where it is likely to offend, insult, humiliate or intimidate people on the basis of their race. I grew up with a brother who is of Papua New Guinean descent. He and I grew up together. He is one year younger than me. We went to school together as siblings. We spent a lot of time together. His lived experience of childhood in Australia was quite different to mine, even though we came from the same family. There are times that he has suffered because of his race and racial background and when he has been treated very differently to the sister he has grown up with all his life.

I saw, firsthand, the hurt and the pain that is caused when racism is suffered, and that has certainly influenced the way I think about section 18C. I have had firsthand experience in my family of a person who has a different racial background to mine, but who is my brother in every sense of the word, being treated very differently to me on the basis of his colour and race. He has grown up with laws, which send a very strong message, that that behaviour towards him is unacceptable and will not be tolerated. That, of course, does not stop that
behaviour occurring, but it sends a very strong message that we as a country do not accept that people should be offended, insulted, humiliated or intimidated by others on the basis of their race.

Other speakers tonight were saying that there are 14 others who are supporting getting rid of section 18C or the Bob Day bill. I would challenge that and say that there are plenty more in this place and in the other House that do not. Yes, we represent different communities and come from various backgrounds, but I do not think that it is fair to assume that just because there are 14 advocates for this approach that it means it is a good thing, by any measure. We will always have vigorous debates in this place, but, from the feedback I get from the community, which has very strong views about this and protecting section 18C, I think that that is the view of a minority.

Labor will not stand for the watering down of race-hate-speech protections, given they have served our country very well for more than 20 years. Regardless of whether these protections are opposed by the government or in private senators' legislation, these are protections that Labor will vigorously defend.

Debate interrupted.

COMMITTEES

Membership

The DEPUTY PRESIDENT (18:00): Order! The President has received letters requesting changes in the membership of committees.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate, Minister for Rural Health, Minister for Regional Development and Minister for Regional Communications) (17:59): by leave—I move:

That senators be discharged from and appointed to committees in accordance with the document circulated in the chamber.

2016 Electoral Matters—Joint Standing Committee—

Appointed—Participating members [for the purposes of the committee's inquiry into the Commonwealth Electoral Amendment Bill 2016]: Senators Leyonhjelm, Muir and Xenophon

Establishment of a National Integrity Commission—Select Committee—

Appointed—

Senators Collins and Ludwig


Legal and Constitutional Affairs Legislation Committee—

Appointed—

Substitute members:

Senator Gallacher to replace Senator Collins for the committee's inquiry into the provisions of the Migration Amendment (Character Cancellation Consequential Provisions) Bill 2016

Senator Hanson-Young to replace Senator McKim for the committee's inquiry into the provisions of the Migration Amendment (Character Cancellation Consequential Provisions) Bill 2016
Thursday, 25 February 2016

SENATE

1201

Participating members: Senators Collins and McKim

Scrutiny of Government Budget Measures—Select Committee—

Discharged—Senator Dastyari

Appointed—

Senator Singh

Participating member: Senator Dastyari.

Question agreed to.

Legal and Constitutional Affairs References Committee

Report

Senator LAZARUS (Queensland—Leader of the Glenn Lazarus Team) (18:01): by leave—I move:

That the Senate take note of the report.

Revenge porn is a topic that is becoming increasingly relevant and problematic in our society. Already in Queensland, we have seen a rise in revenge porn cases, including some very high-profile cases, including that of Brisbane woman Robyn Night, who suffered online abuse for years.

Robyn bravely decided to speak to the press to bring the issue to the attention of lawmakers to encourage change in the way society views these issues and in the severity of the penalties applied to perpetrators.

I would like Robyn and everyone who has had their lives turned upside down as a result of this issue to know that I am determined to help you and to ensure new laws are implemented to protect people from the scourge of revenge porn and to ensure the law deals with perpetrators in the harshest way possible.

Revenge porn is also tied in heavily with the domestic violence crisis that Australia is facing and it is my belief that we need to do more in this area to prevent harm to women and children.

We all agree that domestic violence has terrible impacts for society and is a very difficult issue to tackle.

I would also like to acknowledge the great work of the New South Wales Police Force in unveiling their new campaign to encourage victims or survivors, as I like to call them, to understand that domestic violence is not their fault, and to seek help.

The committee reports that 'revenge porn' is a term used to describe 'images obtained (consensually or otherwise) in an intimate relationship; photographs or videos of sexual assault/s; images obtained from the use of hidden devices to record another person; stolen images from the Cloud or a person's computer or other device; and pornographic or sexually explicit images that have been photo-shopped, showing the victim's face.'

The committee heard from many witnesses that the term 'revenge porn' is misleading and should be replaced with a phrase such as 'non-consensual sharing of intimate images'. This is to reflect the fact that people create, share and threaten to share these images and videos for different reasons and these can include—seeking revenge, seeking notoriety, or coercion.
I will not go into the detail of some of the cases we heard—but they were very distressing and I was left feeling sickened by some of the issues we dealt with.

One of the issues highlighted during the inquiry is that we as a society need to do more to educate people about the dangers of modern technology and consensually allowing others to take pictures of themselves.

Many witnesses talked about situations where they had allowed pictures to be taken and then found that the images had been shared without their permission or had been doctored onto pornographic material.

In some instances, doctored photos had been posted on to pornographic sites with name and address details in order to humiliate, degrade, embarrass and, of course, control.

Some victims even found their images shared online with encouragements to contact and threaten them.

I strongly support the need for strong action to deal with revenge porn and I am pleased to report the committee recommends that new crimes be legislated specifically addressing the need for further protections.

It also recommends that further criminal penalties apply, that civil actions be created and that it is not just the act of non-consensually sharing an intimate image that we oppose, but also the threat of sharing.

Criminalising these threats allows us to give victims a course of action to prevent blackmail which can be used to keep them in abusive relationships, prevent them from contacting the police, make them feel powerless and isolated, and have negative consequences for their families, relationships and career prospects.

Threatening to share images is also used to silence victims of abuse.

It is also very important to note that many submissions recommended education and awareness programs.

Programs in schools would encourage students to seek help if someone has shared or created images of them.

This is an extremely serious issue as some images will fall under existing child pornography laws and the Office of the Children's eSafety Commissioner has the powers to remove images from the internet.

Removal of these images is a powerful remedy and, if done in time, may prevent significant harm.

In summary, I would like to thank all the witnesses who took part in the inquiry.

They demonstrated great courage in re-living their experiences with revenge porn—which was not an easy thing to do. But they did it to provide others with a voice and to ensure change happens in our country.

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (18:07): I too rise to speak on the revenge porn inquiry report, and I rise tonight to make a few comments regarding the inquiry and the recommendations in the Legal and Constitutional Affairs References Committee's report into the phenomenon colloquially known as revenge porn. This is a serious issue, and it is of grave concern to many Australians today. I was pleased on
11 November 2015 to have moved in my name the motion to refer this inquiry to the committee. The phenomenon involves sharing private sexual images and recordings of a person, without their consent, with the intention to cause that person harm. The committee inquired into this phenomenon as well as the potential policy and parliamentary responses to the issue.

Before I continue my remarks, there was concern by a number of the witnesses, particularly victim support services, that the phrase 'revenge porn' is too narrow, suggesting a particular type of behaviour as opposed to the range of behaviours and circumstances that involve the non-consensual dissemination of intimate images. The use of 'revenge' implies that a perpetrator's motive is restricted to that end, while the use of 'porn' focuses on perceived actions by the victim. Consequently, the committee recommends that Australian governments use the phrase 'non-consensual sharing of intimate images' or similar when referring to the phenomenon colloquially known as revenge porn in legislation and formal documentation. I will be using this language in the rest of my comments today.

While non-consensual sharing of intimate images can affect both sexes, in the majority of cases women are the victims. While there are some that may disregard just how serious this issue is, it is extremely important for us to understand what the ramifications of these actions can be. During a relationship, a perpetrator might use sexual images or films as a tool to control their partner. The threat of it being sent to others might be enough to keep someone in an abusive relationship or control their behaviour within that relationship. It has become the most extreme example of how some men are using new technologies to exercise power and control over the women in their lives. Unfortunately, it is an increasingly common manifestation of family violence.

The distribution of private sexual images without consent can take many forms. These images can be sent to people's friends, colleagues or family, causing serious and often ongoing harm to their career, reputation and mental health. Sometimes images are uploaded onto websites dedicated to non-consensual sharing of intimate images, which contain hundreds of sexual images of women that have been uploaded without their consent—a violation recently experienced by hundreds of women in South Australia who had their private images shared online without their consent. The Victim Support Service, VSS, emphasised that, wherever it occurs:

… it is clear that revenge porn is used as a tool of power and control. In one case, intimate images of a woman were shared on Facebook explicitly with the intention to punish her for ending the relationship. In a second example, revenge porn was used in an ongoing relationship to coerce and control the victim.

The committee heard harrowing tales, as Senator Lazarus mentioned, about how this phenomenon ruins women's lives. Victims' contact details can also be published on these websites, leading to victims being further harassed with sexual and abusive messages from strangers that they have never encountered. The results are catastrophic and can ruin their lives. Some women who have been subjected to non-consensual sharing of intimate images suffer from depression and anxiety, and some have even committed suicide after falling victim to this form of abuse. The humiliation from having sexual images or films shared publically can prevent people from reporting rape or abuse, or from seeking the help that they need to assist them to recover from sexual abuse.
Given the serious impacts on victims of this phenomenon, the committee recommended that the Commonwealth government legislate, to the extent of its constitutional power and in conjunction with state and territory legislation, offences for: knowingly or recklessly recording an intimate image without consent; knowingly or recklessly sharing intimate images without consent; and threatening to take and/or share intimate images without consent, irrespective of whether or not those images exist. The committee is also recommending that the states and territories enact legislation with offences the same or substantially similar to those I have just detailed, taking into account relevant offences enacted by the Commonwealth government, to ensure unified and uniform criminal approaches to non-consensual sharing of intimate images across Australia.

Perpetrators of non-consensual sharing of intimate images should face the same consequences no matter what state or territory the offence occurs in. While victims and the broader society want perpetrators to face punishment, victims also need to have means for content to be removed from the internet quickly so it cannot be viewed or shared further. We all know that it only takes a second or two for things to be spread on the internet. The committee recommends that the Commonwealth government consider empowering a Commonwealth agency to issue take down notices for non-consensually shared intimate images. The committee also recommends, if not already in existence, that the Commonwealth government establish a formal mechanism by which Commonwealth agencies and internet and social media providers regularly engage on issues relating to non-consensual sharing of intimate images.

As I said earlier, this is an emerging issue. Technological advancement and its widespread dissemination means that the sharing of non-consensually shared intimate images is easier than it has ever been, and many people born on the wrong side of the digital divide still do not have a full understanding of the potential for harm that non-consensually shared intimate images can cause. Consequently, the committee recommends that the Commonwealth government implement a public education and awareness campaign about non-consensual sharing of intimate images for adults by empowering and resourcing the Office of the Children's eSafety Commissioner and the Australian Federal Police to build on their existing work with children in relation to cybersafety.

The committee also heard evidence from victims support groups which indicated that in states where some attempts at criminalising non-consensual sharing of intimate images has occurred there have been cases where these laws have not been applied. The Victim Support Service told the committee:

… we gave two case studies where both victims reported to the police, and in neither case were any charges laid against the offender. In one case the police unofficially warned off the offender from doing the behaviour, but none of the legislation that potentially could have been used was used in either of those cases.

Consequently, the committee recommends that all Australian police undertake, at a minimum, basic training in relation to non-consensual sharing of intimate images and in particular any new offences in the relevant jurisdiction.

A number of submitters and witnesses advocated for a tort of privacy. The committee notes the creation of such a tort was recommended by the Australian Law Reform Commission in 2014. While the Attorney-General’s Department advised the committee that the
Commonwealth government is not supportive of the establishment of a tort of privacy, the committee notes the AFP and CDPP's comments in support of such. Therefore, the committee recommends that the Commonwealth government give further consideration to a statutory cause of action for serious invasions of privacy.

Before I conclude my remarks, I would like to thank all the witnesses and submitters. I would like to thank the victim support services, and victims, in particular, who provided examples to highlight to the committee the devastating experience of being the victim of 'non-consensual sharing of intimate images'.

I would also like to thank the secretariat, who did such a wonderful job compiling this report and organising the hearings, especially given the tight time frame around this inquiry. Once again, your work is of the highest quality and you are a credit to this parliament.

I would like to also particularly thank my colleagues in the House Mr Tim Watts and Ms Terri Butler for the work they have done to bring this issue to the parliament's attention through their private member's bill. It is now 2016, and Australia has well and truly moved into the digital age. It is up to this place to ensure that Australia's laws protect Australian citizens from harm, but, on this issue so far, this parliament has failed.

It is time for this parliament to take action on this issue. I call upon the government to take immediate action on this issue, and to take up the recommendations of the committee to protect and provide justice to the many thousands of people who have already been victims of these acts, and to prevent tens of thousands more people becoming victims.

I seek leave to continue my remarks.
Leave granted; debate adjourned.

Community Affairs References Committee

Debate resumed on the motion:

That the Senate take note of the document.

Senator CAROL BROWN (Tasmania) (18:16): I rise to again speak on the government's response to the Community Affairs References Committee report, Grandparents who take primary responsibility for raising their grandchildren. As I have previously highlighted, this response was tabled last month, nearly 15 months after the committee presented its report, and even then the government's response only came after a motion was moved in this place calling on the government to respond.

This was a seven-month inquiry undertaken by the Community Affairs References Committee that took evidence from across the country. Senators on the committee heard many personal accounts from grandparents and grandchildren. The committee heard evidence of the often difficult and sometimes tragic circumstances under which grandparents had come to take on the caring role. We heard about the considerable financial impact that taking on the care of their grandchildren can have on grandparents, and we heard from grandparents about the physical and mental toll the caring role can take on them. We also heard of love, of devotion, of deep concern and of unending gratitude. And, based on all this evidence that the Community Affairs References Committee took over those seven months, the committee made 18 recommendations in its unanimous report.
However, the government obviously did not hear this evidence or take note of it, as they have largely seen fit to dismiss and ignore the issues identified by the committee and the recommendations in the report. But I will not dismiss this evidence, and I am sure those who were on the Community Affairs References Committee or participated in this inquiry, as Senator Smith did, will not dismiss this evidence. We will not dismiss the growing number of grandparent-headed families across the country, and that is why I have again risen to speak on this issue.

At the time of the tabling of this committee's inquiry report, I urged the government to consider the recommendations in the report and to join with state and territory governments to develop a collaborative response to the needs identified throughout the report. I again urge the government to adopt a collaborative approach to supporting grandparent-headed families. And that is why I am standing here today, calling on the Turnbull government to show some leadership by addressing the overall findings of the report by initiating a robust COAG discussion on the recommendations of the Senate report and of how to support the many grandparents raising their grandchildren.

Ensuring that grandparent-headed families have the support that they are going to need will require a national effort. That is what we heard throughout the evidence to this inquiry. It is going to require genuine and constructive engagement from governments, child protection, social security and health systems and sectors, and the Family Court system—something that is lacking in the government's response.

Every grandparent-carer has a unique experience, and we heard many of those experiences. But what the committee found was that there were also many similarities in these struggles they faced. There are, undeniably, and thankfully, a number of very successful services across the country—services that provide vital support to these families. However, it is clear that these supports are too few and far between. Many grandparent-carers slip through the gaps, struggle to navigate the maze of services and support, or are simply unaware of what is out there or how to access the help they need. Providing lists of existing programs that do not address the committee's recommendations or the specific needs of grandparent-headed families is simply an insufficient response.

When the government's response to this report was tabled, I acknowledged the government's commitment to extending grandparent advisers and strengthening support for grandparent-carers through investment in a new initiative to provide national information, resources and support for the target group. However, grandparent-carers and their families have waited more than a year for this response and they simply cannot wait any longer for the government to take action. The government's response lacks information about funding for these initiatives or time lines for when they will actually be made available. I have to say that I have no further clarity on these measures following Senate estimates. The Department of Human Services were unable to provide basic details about the extended grandparent advisers, including when these positions were due to start.

When asked about the enhanced outreach capacity of the grandparent advisers that was mentioned in the government's response the department told the Senate committee that they did not think that they had, and I quote 'looked at it to the level of detail yet'. When I asked the Department of Social Services for information on the new initiative to provide national information, resources and support they were equally unable to provide any level of detail.
The department indicated that they were in the planning phases at the moment. It seems that there is still nothing sitting behind the government's response—no additional support of assistance for grandparent headed families.

Throughout the course of the inquiry many grandparents told the committee that they felt their role and their contribution was not understood or acknowledged. The government's response to the committee inquiry largely confirms that. At least within the government there is no awareness or recognition of the challenges faced by grandparent carers. The government should make no mistake, my colleagues and I on this side—and those coalition members that took part in the inquiry—will continue to stand up for grandparent headed families against a government who clearly does not understand or appreciate the contribution of grandparents raising grandchildren. Labor believes that grandparent carers are unsung heroes. These heroes need a government that is willing to support them when they take on this caring role.

I seek leave to continue my remarks.

Leave granted.

Economics References Committee

Report

Senator KETTER (Queensland) (18:24): by leave—I move:

That the Senate take note of the report.

The committee's inquiry into land-banking was prompted by growing concerns about disreputable practices associated with the marketing and selling of such schemes. The committee undertook this work as part of its broader inquiry into the scrutiny of financial advice and decided that because of the importance of its findings it should table a separate, stand-alone report that highlights some troubling trends in the property investment market.

The committee found that a number of Australians have lost, or are at risk of losing, their investments at the hands of unscrupulous companies securing funds for highly speculative land-banking schemes. It appears that many unsophisticated investors, often with only the equity in their home to put up as security, were convinced through high-pressure selling techniques to invest in very speculative land investments they did not properly understand and had little or no likelihood of success. At worst, the promoters of some land-banking schemes may have intentionally misled mum-and-dad investors about the prospects of the scheme.

The committee investigated two examples of property investment companies which misled investors into thinking that land zoned for rural activities had a high probability of being developed as urban land within five to 10 years. Further investigation of the two schemes relating to 21st Century Group and Market First revealed that specific property investments offered by these companies were highly unlikely to be developed for several decades, if ever.

The promotion of options to purchase an interest in property is one of the more recent and concerning manifestations of wider problems in the property investment advice industry. Option schemes are property investment arrangements which centre on selling options to retail investors and to purchase future land packages for farmland that has not yet gained residential development approval but is located near regional towns or on the outskirts of capital cities. Investors were promised luxury housing estates with architect designed homes, helipads, walking paths and BBQ areas that were detailed in innovative conceptual drawings
and marketing material. However, none of the land-banking schemes discussed in this report has been developed into residential housing developments. Many sites are still farmland, while some have had limited earthmoving work done so that they now have a few mounds of rubble.

While the fate of a number of land-banking schemes remains uncertain, the committee's main concern is the way in which such schemes were marketed to retail investors who did not understand the arrangements they were entering into and the lack of consumer protection, which left them exposed to unscrupulous practices. Some of these disturbing practices involved the payment of high commissions of between 17 per cent and 20 per cent—some suggested they could be even higher—to the promoters with the inducement to sell the product irrespective of the investor's interests. As long as commissions remain an important source of remuneration for the promoters of land-banking schemes, particularly the payment of high commissions and other inducements to sell the product which override the interests of the investor, the potential for poor investment advice in this industry will persist.

The committee was concerned with the way in which spruikers took advantage of retail investors with poor levels of financial literacy and often limited funds by persuading them to invest in high-risk, inappropriate schemes, especially during so-called wealth education seminars. They did this by: making investors feel special—offering so-called exclusive deals and privileged access to opportunities 'too good to be missed'; providing promotional material that wilfully underplayed risk and deceptively overstated the anticipated benefits and commercial robustness of the scheme they were promoting; using endorsements from celebrities and testimonials from self-made millionaires who purportedly became wealthy using the tips and tricks taught at seminars; associating their development with reputable companies, regardless of how tenuous that connection may be; and employing high pressure marketing techniques at investment seminars intended to rush investors into a decision without first seeking independent advice.

Spruikers ignored the risk profile of clients and advised them to invest in products unlikely to deliver the promised returns. Their advice ran contrary to the fundamentals of sound investment. The committee was particularly concerned about the use of self-managed superannuation funds to invest in land-banking schemes especially where a substantial proportion of the funds were invested in risky property schemes. Much greater publicity should be given to the injudicious use of self-managed superannuation funds, and all gatekeepers in the financial industry—financial planners, accountants, lawyers, media commentators and regulators—should make a concerted effort to educate investors on the pitfalls of doing so. They should also promptly report any dangerous practices emerging in this area to relevant regulators.

The committee found that, even though investing in such schemes was not in consumers' financial interest, they sometimes succumbed to the hype generated by investment seminars with their celebrity endorsements, offers of special exclusive deals and high-pressure sales tactics. The complexity of the schemes and these methods of marketing them to mostly unsophisticated retail investors meant that many of them did not realise that their investments may not be maturing as expected. Because of the medium- to long-term nature of land-banking schemes, it appears that many investors are not yet in a position to determine whether
they will ever receive a return on their investment as promised. Indeed, many investors may have not yet realised that what they thought they were buying is not what is to be delivered.

The overriding message coming out of the evidence is that consumers must be wary of trusting documents and material provided by spruikers. The importance of resisting the pressure to sign up to a deal without first seeking independent advice cannot be overemphasised. A critically important aim of this report is to alert investors to the need to exercise care and diligence with any venture involving land-banking and property investment more generally.

The scandalous conduct of self-interested spruikers and their associates must also be addressed. Concerns about property investment schemes are not new, and there is some evidence that part of the problem associated with such schemes can be attributed to rogue traders, often with links to shady operators from the past. A number of people who were involved in property investment scams in the early 2000s during the last property boom are also allegedly involved in some of the schemes, including notorious rogue trader Mr Henry Kaye and his sister, Ms Julia Feldman.

The leadership and ownership structures around the less reputable land-banking schemes are often opaque, so it is difficult to determine who is involved—often behind the scenes—in the companies that develop or promote the schemes. It is particularly worrying to find that spruikers whose integrity had been compromised were able to resurface in the industry under another guise, even after being exposed for unscrupulous conduct. A common thread running through the land-banking schemes investigated by the committee was that the promoters of the schemes referred investors to lawyers, accountants and lenders with whom they had a potential conflict of interest because of their pre-existing and often intertwined business relationships.

Many of the behaviours exhibited by the promoters of land-banking schemes outlined in this report, such as high-pressure selling techniques and referrals to conflicted lawyers and other services, are also found in schemes operated by other spruikers, including through so-called financial education programs. The committee recognised that the land-banking schemes emerged within the context of an unregulated property investment advice industry that has long been plagued by questionable practices.

The committee is strongly of the view that, with the great strides made in the regulation of other financial services over the last 15 years, governments and regulators must turn their attention to fringe activities, such as property spruiking, which for legacy reasons have been left outside the financial services laws. The problems associated with the marketing of property investment, evident in recent land-banking schemes, have plagued the industry for decades. These schemes have highlighted the urgent need for reform and a much improved regulatory regime for the provision of advice on property investment.

The committee identified two ways to implement this regime: the Commonwealth assuming responsibility for property investment advisers; or strengthening provisions in the Australian Consumer Law that would see the introduction of protections for retail investors mirror those for retail investors in financial products. The committee prefers the first option. Given the established obligations and penalty regime under the Corporations Act, consumers would arguably be better protected if land-banking schemes, and advice on property investment generally, came under the Corporations Act.
Should the Australian and state and territory governments decide that investment property advice should remain under the Australian Consumer Law then reforms are necessary to strengthen that regulatory regime as it relates to investment property and investment property schemes. The FoFA reforms to the Corporations Act provide a sound model on which to base changes to the Australian Consumer Law.

In closing, I just want to thank the hardworking members of the economics committee secretariat for putting this report together and all of those associated with the work of the committee in relation to the land-banking report.

Question agreed to.

Foreign Affairs, Defence and Trade References Committee

Report

Debate resumed on the motion:
That the Senate take note of the report.

Senator BACK (Western Australia) (18:34): I rise to speak to the report of the Foreign Affairs, Defence and Trade References Committee on Australia's relationship with Mexico. 2016 marks the 50th anniversary of diplomatic relations between Australia and Mexico. It is interesting that at this time Australia is the 12th largest economy in the world and Mexico is the 13th. But most macroeconomic consultants suggest that by 2050 Mexico may in fact be in the top 10 countries in the world. In fact, the Hong Kong and Shanghai Banking Corporation have recently indicated their belief that it may end up being No. 6 in the world.

Australia enjoys excellent diplomatic relations with Mexico on its own but also as part of the Mexico-Indonesia-Korea-Turkey-Australia alliance, the MIKTA alliance, which our own foreign minister has been very, very active in promoting. It is an alliance of like-minded countries in similar economic circumstances and it is certainly one which we have a keen interest in seeing extended.

Also, Mexico is one of those countries in the Trans-Pacific Partnership. That is critically important to Australia because, along with Peru and Chile, Mexico is a Central American country. Mexico already enjoys excellent economic and trade relations with Canada and the United States through the North America free trade agreement.

I commend my colleague Senator Alex Gallacher, who actually chaired this references committee. Senator Gallacher led the way on what was in fact the last recommendation of the report, recommendation 13. The committee recommended that the Department of Foreign Affairs and Trade and Austrade work with the Export Council of Australia to develop a suite of practical, user-friendly tools to assist Australian small to medium enterprises, especially services companies, to understand and utilise the TPP.

Mexico produces three million motor vehicles a year, and two major automotive manufacturers are at this time building facilities in which each of them will produce another million cars. So by the end of this decade they will be producing five million cars a year. When I was in Mexico in January of last year in what I hasten to say was a self-funded study tour I learned at that time of the very high regard in which Australian vehicle component manufacturers are held by Mexico. We know that there is already some investment by Australian companies, but, as we cease vehicle manufacturing in this country, there is
obviously an opportunity for there to be greater involvement by Australian vehicle component manufacturers. I am very pleased to say that, during the hearings and the inquiry that we had on this subject, meetings were convened in Melbourne and Adelaide with vehicle component manufacturers to help them understand the capacity of the market in Mexico.

The areas of higher education are of great value to Australia and to Mexico, and several of our recommendations went to this. The ease with which Mexican students are able to apply for visas to come here—undertaking the medical examinations—was an area that, through our report, we urged the various agencies of the Commonwealth government to address. There are opportunities for our universities in the research sector. There is already some work being done, and I think I have spoken of it in the past. I was invited to the Mexican Geological Survey, down in a city called Pachuca, where they were able to tell me that they had been mining copper in the hills around that area for some 3,000 years. They showed me wonderful maps of the metalliferous states of Mexico at a one-in-50,000 magnification, which was useful for exploration purposes, and they told me that the software that they used to develop those maps came from Geoscience Australia and the CSIRO. They are already well aware of the opportunities that present.

I met with senior management of Pemex, the Mexican government owned petroleum company. Under recent changes introduced by the President, they have been directed to establish the Pemex University, specifically in the oil and gas world. They were talking to us about the opportunities for Australian universities—the University of Queensland, my alma mater, and also UWA and Curtin University in Perth. Since that visit in January last year, there has already been representation from our own Austrade personnel in Mexico, together with Mexican higher education personnel here in Australia, to examine those opportunities. Equally, there are opportunities in the VET sector—the vocational education sector—and, again, the Mexicans recognise Australia's capacity in this space.

From a trade point of view, the committee has urged that the necessary agencies and business interests examine the opportunity of a direct flight from the east coast of Australia to Mexico. At the moment, most people have to go through the United States and, as we know, you cannot transit through America. You must get a visa to go into America and the costs are prohibitive. Those of us from the west coast of Australia in particular would know the effort that it took to convince Emirates, Qatar Airways and other airlines to look at direct flights into Australia.

In a previous life in business, I remember arguing, saying that there was a tremendous demand. It had nothing to do with what I had to say to them, but Emirates did start with three flights a week. Within about 18 months it was about seven flights a week. There are now 14 flights a week from Perth into Dubai—and, of course, we have Qatar Airways and others. From a business and tourism point of view, the prediction would be that, if we could develop those direct flights from Australia into Mexico, it would be a tremendous opportunity to boost trade and tourism into our country.

The last of the recommendations about which I will speak went to an urge to increase the representation in the embassy in Mexico City, particularly that associated with Austrade. For example, I learnt in January last year that, so important is the relationship between Mexico and the United Kingdom, their policy is a minister a month from Britain into Mexico to talk about opportunities in education, in trade and in exchange. The President of Mexico, Enrique
Pena Nieto, was invited to the UK last year. He was given the royal treatment, literally. Our committee urged that Australia significantly increase the level of Austrade commitment. We have a wonderful Austrade commissioner in Mr Chris Rodwell, but he needs to be replicated. Indeed, I have been informed in recent times that the government has heeded the recommendation of the committee, and there is now better representation from Mexico. Our embassy in Mexico deals with Cuba, Panama and other countries in the Latin American area, so there are tremendous trade opportunities.

Whilst it is the case that, at the moment, we look north—and Asia is a tremendous opportunity—we need to be looking 30 to 40 years out. There are those who have a great view of India, in terms of its potential—and, having worked in that particular region, I have some reservations in that space. Others speak of Africa, and I have no doubt the opportunities are there in Africa into the future. But we should not ignore Latin America. We should not ignore Central America, and Mexico is a tremendous opportunity for Australia, particularly in this 50th year of our relationship. I know that the Mexican ambassador here in Canberra is working hard for an exchange of the Indigenous peoples of Mexico with those of Australia in art and culture during this year.

I thank the chamber for the opportunity to point to that report and its recommendations. In our planning into the future, we should perhaps use the agencies of the TPP. But, in general terms, we should not ignore our opportunities in Central and Latin America.

Question agreed to.

National Broadband Network Select Committee

Debate resumed on the motion:

That the Senate take note of the document.

Senator McKENZIE (Victoria) (18:45): Firstly, I want to commend our government for putting digital literacy, infrastructure and innovation at the centre of our government's policy, because we know in the 21st century that, to be successful, to overcome the challenges and to embrace all the opportunities of the 21st century, access to fast, reliable broadband and mobile services is essential. We need that digital infrastructure, particularly out in regional Australia. I am very proud of our Mobile Black Spot Program, developed by the shadow minister at the time, Luke Hartsuyker, and our decision as a government to prioritise those communities of need under the rollout of the NBN.

I am also particularly proud of our ministers outlining their response this week to the regional telecommunications review, where we are looking at the ongoing rollout gathering pace across the country, with regional Australians seeing benefits in the first half of this year; the launch of commercial services on the Sky Muster satellite; the ongoing rollout of high-speed NBN fixed wireless broadband services; and the ongoing rollout of the Mobile Black Spot Program, with almost 500 new or upgraded mobile base stations to be switched on over the next three years and a further $60 million committed to round 2 of the program in addition to the $100 million investment made under round 1. The announcement this week recognises the important role telecommunications play in the social and economic development of regional Australia.

I want to go to the coalition's rollout model, where every household and business in Australia will have access to download data rates of at least 25 megabits per second. That is...
faster than the maximum speed currently available on ADSL technology. The rollout plan aims to deliver speeds of up to 50 megabits per second to 90 per cent of fixed line premises as soon as possible. That is at least twice as fast as the ADSL maximum. Our plan provides flexibility for future upgrades and the further optimisation of the rollout as technology advances, because, as we all know, this is a very fast-moving space. So I think there have been some giant steps over the last two years in how telecommunications has been covered in my home state of Victoria. I know that, under the leadership of Senator Fifield and the new Minister for Regional Communications, Senator Nash, that will absolutely continue. But there are some areas that do need attention.

Tonight I particularly want to refer to those issues I am aware of in the Murrindindi Shire, in my home state of Victoria. The Murrindindi Shire is in the outer urban area of Melbourne. It was absolutely devastated by the Black Saturday fires. It knows the importance of essential infrastructure in the digital sphere, not only for emergency services provision and communications but to take advantage of all the economic opportunities. It has a strong population of commuters, so to have access to that digital infrastructure will increase economic opportunities within the shire. That access will also improve opportunities for the provision of educational services to children in the shire. Yes, every kid goes along to school and, when they study and are given their homework, particularly if they are in senior secondary school, they have to access the internet to download reports and sometimes submit their homework and options papers. So having access to fast, reliable broadband is essential for educational opportunities.

The Nationals candidate for Indi, Mr Marty Corboy, has told me that he travelled through the seat of Indi this week and met with constituents. He was very concerned as he spoke to locals, whether they were business owners, parents or emergency services providers, about the importance of getting this digital infrastructure on the ground in that area. I really want to commend him for his strong advocacy. In particular he mentioned the case of Mark in the town of Yea in the southern part of the electorate. Marty tells me that Mark is a small business owner in that community but also a father of small children who use the internet for their homework. He is currently paying $160 a month for 25 gigs, which is not enough his family to run their business and provide educational opportunities for the children. I am told the current Telstra exchange is not designed for today's internet and needs urgent upgrading to be able to handle the faster and more efficient services that are being delivered.

What we all wish could happen is that we could click our fingers and have NBN exist for every family and every business that needs it across the country, but that is actually not reality.

Senator O'Neill interjecting—

Senator McKenzie: While officially the NBN rollout started in 2009, it languished for more than four years under Labor. So, Senator O'Neill, please let's not go there, because I am not going to promote the fact that under you guys it went nowhere and we focused on families of need. I want to raise the fact that before the NBN rollout can be complete, there is a lag in some communities, and it is the responsibility of the owners of the infrastructure—Telstra—to ensure that, until the NBN arrives at a family home or business, that essential infrastructure is maintained. I urge Telstra and the other telecommunications providers to look at this issue
and at their service provision throughout the Murrindindi Shire to ensure that families like Mark's can get the education services they need.

I thank Marty Corboy for his advocacy in this area and look forward to hopefully seeing him elected. I know that already as a candidate he has been such a strong advocate for his local community and I am sure he would make a strong and welcome contribution to a re-elected Turnbull government.

Senator O'NEILL (New South Wales) (18:51): I am so glad to have the opportunity to speak now in response to the nonsense we have just heard put out by a representative of an area that needs much better advocacy. What we are seeing across this country, where the dodgy NBN is being rolled out, is Australians being saddled with a lemon. I speak particularly of the range of inquiries that the candidate for Robertson, Anne Charlton, and the candidate for Dobell, Emma McBride, have been receiving in the past couple of weeks from people across the Central Coast who are sick to death of being ignored by nbn co and are sick to death of the failing service that is being delivered to them that this government wants to call super-fast broadband. What a joke!

There is no NBN rolling out. It is an 'MTM'—it is Malcolm Turnbull's mess—and it is an absolute disgrace. We are hearing reports from right across the Central Coast of people who are simply not being given any support in any appropriate way. The fibre-to-the-node network that this government has inflicted on most of the Central Coast relies on the copper-wire system from a node somewhere near your house. We are hearing that with this 'MTM', which is actually taking twice as long to deliver than promised by the government, for twice the price—now blown out from $29 billion to $58 billion—they are actually funding the delivery of a disgraceful level of service. The reports that I am getting are that there is more than a 14 per cent failure rate on the lines into those homes.

I will put on the record the evidence we have received in my office from Mr Barry Egan. He has been involved with the ombudsman to mediate the issues he has had with nbn co for the connection to his home. They just cut off his landline. This is the government's great plan in action. They simply cut off his landline and left him without any connection. Now, after weeks, they have finally responded but he has all this static on the line. No one will take responsibility, certainly not nbn co and not Telstra either. From Senator McKenzie we had the platitudinous, 'I want Telstra to take responsibility for upgrading the ports so that people can get a fair service and the kids can do their homework.' It is a joke. Telstra is not doing anything of the sort. The kids she is talking about who need to do their homework are right across this country, and on the Central Coast, with the lemon of an 'MTM' that this government has delivered. When the kids get home and start to do their homework what is happening is that the speed drops off and they cannot get anything like 100 down and 25 up, which is what they were promised. They cannot even get 25 down. They are getting two or three down. It is slower than their old ADSL lines. Right across the coast, the traffic that is happening when kids get home from school and on weekends, as more and more people are using the internet and using things like Netflix to download the things they want to see, is proving that this is a very dangerous and failing experiment in the real world that is costing businesses, students and people right across the Central Coast, including the elderly who require a solid and safe line for their health needs. The member for Robertson, Ms Wicks, and
the member for Dobell continue to sell the lie to the community that they are actually delivering something that might approximate a super-fast broadband. That is not the case.

I will put on the record the case of Mary Smith, who is absolutely livid with her treatment by nbn co. There were five visits. She stayed at home all morning and no-one arrived—Telstra is coming, nbn co is coming. No-one called her, and she said that everyone in her street is experiencing the same sort of chaos, which, frankly, is synonymous with this government. We have seen the chaos of one minister contradicting the other. It is a government that is absolutely divided and they cannot possibly deliver anything that approximates a modern and proper super-fast broadband. They have saddled an entire community with a lemon. It is a disgrace.

Michelle Loaney phoned my office, furious with nbn co—pushed back, pushed back and pushed back on five different dates, waiting for two years to be connected. And she is one of the ones who actually got a date out of the local member. It was supposed to be February—I think that is the line that was being trotted out before Christmas. February has just about gone and now we have heard that it is going to be May—maybe. They are not delivering on time and they are certainly not delivering a high-quality service.

But the one that actually takes the cake is a Mr Bruce Manton, who is doing a development in Point Clare. He is a businessman—the group of people that the Liberal Party say they stand up for. I do not believe that for a moment. They might stand up for the top end of town, but ordinary working people on the Central Coast—tradies and hard-working ordinary small to medium enterprises—cannot rely on this government. Mr Manton is a great example of the failure of this government with the NBN. Mr Manton is doing a development in one of the suburbs at Point Clare on the Central Coast. He put in his plans to the council. It is nbn co's responsibility to check to ensure that when they are rolling out and doing the job they do not basically stuff-up developments like the one that Mr Manton is undertaking. What they have done is actually put the node right in the middle of the driveway that enters into that small subdivision development that he is doing. They say that it is not their fault and that it is nbn co's fault. That leaves Mr Manton with a bill of $21,000 to fix up a mistake by nbn co that was enabled by and sanctioned by this government and is continuing with the support of this government, despite the disgraceful experiences of hundreds of thousands of people across the Central Coast. They have inflicted a lemon on the economy of the Central Coast, instead of the real NBN.

And we have a good comparison, because right in the middle of Gosford, where we do have the real NBN, we have jobs growth. NIB has chosen to develop their business, not in Newcastle, because they knew that they were going to get a lemon up there. They have come to the heart of Gosford, where Labor delivered the real NBN—NBN to the premises, whether it is a business or a home. We have award-winning businesses like BlinkMobile, with international awards. They are a multinational business operating out of a wonderful spot right in the heart of Gosford. Just down the road, NIB has created 130 new jobs for local people—genuine new jobs, not transfers but real new jobs—because the NBN, the real NBN delivered by Labor, is in the middle of Gosford. So we have a perfect comparison. Where the real one has gone in, jobs are growing, businesses are thriving and it is good for our community. Where this absolutely failing government has inflicted on our community a
failing and ancient service that belongs in the last century, we are seeing businesses that failed
to thrive and people who are getting ripped off. *(Time expired)*

**DOCUMENTS**

**Consideration**

The following orders of the day relating to committee reports and government responses were
considered:

Northern Australia—Joint Select Committee—Scaling up: Inquiry into opportunities for expanding
aquaculture in Northern Australia—Report. Motion of Senator Macdonald to take note of report agreed
to.

Economics References Committee—Scrutiny of financial advice: Part 1 — Land banking: a ticking
time bomb—Report. Motion of Senator Bilyk to take note of report debated and agreed to.

Foreign Affairs, Defence and Trade References Committee—Report—Australia's future activities
and responsibilities in the Southern Ocean and Antarctic waters—Government response. Motion of
Senator Whish-Wilson to take note of document agreed to.

Economics References Committee—Foreign investment review framework—Interim report. Motion
of Senator McEwen to take note of report agreed to.

Education and Employment References Committee—Access to real learning: the impact of policy,
funding and culture on students with disability—Report. Motion of Senator McKenzie to take note of
report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.

Community Affairs References Committee—Report—Grandparents who take primary responsibility
for raising their grandchildren—Government response. Motion of Senator Smith to take note of
document debated. Debate adjourned till the next day of sitting, Senator Brown in continuation.

Community Affairs References Committee—Report—Impact on service quality, efficiency and
sustainability of recent Commonwealth community service tendering processes by the Department of
Social Services—Government response. Motion of Senator Siewert to take note of document agreed to.

Economics References Committee—'I just want to be paid': Insolvency in the Australian
construction industry—Report. Motion of Senator Cameron to take note of report called on. On the
motion of Senator McEwen the debate was adjourned till the next day of sitting.

Economics References Committee—Australia's innovation system—Report. Motion of Senator Carr
to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in
continuation.

Foreign Affairs, Defence and Trade—Joint Standing Committee—Empowering women and girls:
Motion of Senator McEwen to take note of report called on. Debate adjourned till the next day of
sitting, Senator McEwen in continuation.

Environment and Communications Legislation Committee—Final report—Performance, importance
and role of Australia Post in Australian communities and its operations in relation to licensed post
offices—Government response. Motion of Senator McEwen to take note of document called on. Debate
adjourned till the next day of sitting, Senator McEwen in continuation.

Legal and Constitutional Affairs References Committee—Impact of the 2014 and 2015
Commonwealth Budget decisions on the arts—Report. Motion of the chair of the committee (Senator
Lazarus) to take note of report called on. On the motion of Senator McEwen the debate was adjourned
till the next day of sitting.

Foreign Affairs, Defence and Trade References Committee—Australia's relationship with Mexico—
Report. Motion of Senator Back to take note of report debated and agreed to.
Environment and Communications References Committee—Stormwater management in Australia—Report. Motion of Senator Ketter to take note of report agreed to.

Economics References Committee—Third party certification of food—Report. Motion of the chair of the committee to take note of report agreed to.

Economics References Committee—Future of Australia's automotive industry: Driving jobs and investment—Report. Motion of Senator Carr to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.

Community Affairs References Committee—Violence, abuse and neglect against people with disability in institutional and residential settings, including the gender and age related dimensions, and the particular situation of Aboriginal and Torres Strait Islander people with disability, and culturally and linguistically diverse people with disability—Report. Motion of the chair of the committee (Senator Siewert) to take note of report agreed to.

National Disability Insurance Scheme—Joint Standing Committee—Implementation and administration of the National Disability Insurance Scheme—Progress report. Motion of Senator Gallacher to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.

Education and Employment References Committee—Getting our money's worth: the operation, regulation and funding of private vocational education and training (VET) providers in Australia—Report. Motion of Senator Carr to take note of report agreed to.

Rural and Regional Affairs and Transport Legislation Committee—Shipping Legislation Amendment Bill 2015 [Provisions]—Dissenting report from Opposition senators. Motion of Senator McEwen to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.

Community Affairs References Committee—Availability of new, innovative and specialist cancer drugs in Australia—Report. Motion of the chair of the committee (Senator Siewert) to take note of report agreed to.

Health—Select Committee—Australian Hearing: too important to privatise—Third interim report. Motion of the chair of the committee (Senator O'Neill) to take note of report agreed to.

Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru—Select Committee—Taking responsibility: conditions and circumstances at Australia's regional processing centre in Nauru—Report. Motion of Senator Gallacher to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.

Community Affairs References Committee—Out of home care—Report. Motion of the chair of the committee (Senator Siewert) to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.

Finance and Public Administration References Committee—Domestic violence in Australia—Report. Motion of Senator Gallagher to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.


Foreign Affairs, Defence and Trade References Committee—Use of unmanned air, maritime and land platforms by the Australian Defence Force—Report. Motion of the chair of the committee (Senator Gallacher) to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.
Foreign Affairs, Defence and Trade References Committee—Blind agreement: reforming Australia’s treaty-making process—Report. Motion of the chair of the committee (Senator Gallacher) to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.

Community Affairs References Committee—Adequacy of existing residential care arrangements available for young people with severe physical, mental or intellectual disabilities in Australia—Report. Motion of the chair of the committee (Senator Siewert) to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.


Legal and Constitutional Affairs References Committee—Ability of Australian law enforcement authorities to eliminate gun-related violence in the community—Report. Motion to take note of report agreed to. On the motion of Senator McEwen the debate was adjourned till the next day of sitting.

Auditor-General’s Reports—Orders Of The Day—Consideration

The following order of the day relating to reports of the Auditor-General was considered:

Auditor-General—Audit report no. 14 of 2015-16—Performance audit—Approval and administration of Commonwealth funding for the East West Link project: Across entities. Motion of Senator Rice to take note of document agreed to.

ADJOURNMENT

The DEPUTY PRESIDENT (19:07): Order! There being no further consideration of committee reports, government responses and Auditor-General’s reports, I propose the question:

That the Senate do now adjourn.

Fall of Singapore: 74th Anniversary

Senator McGRATH (Queensland—Assistant Minister to the Prime Minister and Assistant Minister for Immigration) (19:07): Across the ages—through peace and war—the flame of freedom and liberty has shone in the world. In the darkest of times, when it seems that there is only turmoil and sorrow, that flame endures and burns its brightest—its light a beacon calling to men and women of honour, who seek the good and the right. That flame—like the Eternal Flame of Remembrance—is the essence of the human spirit: the birthright of all to seek a better life for themselves, their families and their country.

On Sunday 14 February, at the Shrine of Remembrance in Brisbane, it was my honour to deliver the address at a memorial service organised by the 2/10th Field Regiment Association to remember the 74th anniversary of the fall of Singapore. Along with friends and family who came to pay their respects, there were representatives from the Army, Navy and Air Force, the nurses, the widows, the prisoners of war, the government of Singapore, the Returned and Services League and the Department of Veterans’ Affairs. We gathered to remember those members of the 8th Division Australian Imperial Force, the Royal Australian Navy, the Royal Australian Air Force, the royal Australian nurses and associated services who fought and gave their lives for freedom and liberty during the Malayan Campaign, as Singapore fell, those who were Japanese prisoners of war and those who have passed on since 1945.
Beside that sacred shrine, in the shadow of towers and monuments, it was hard not to feel dwarfed by the unseen shadows of the brave who defended the freedoms and liberties that generations of Australians have enjoyed and too often taken for granted. As old friends and families reunited, we gazed upon the fraying photos from a time before the war to see boys and men—sons, brothers, fathers and uncles—with hope, happiness, and the twinkle of youth in their eyes—black and white photos but full of Australian colour. We remembered those sons and daughters of Queensland—those sons and daughters of Australia—whose valour and service fought back the tide of tyranny in Asia, Europe and the Pacific that imperilled our young commonwealth and the principles upon which it was built: democracy, the rule of law, freedom of speech and the liberty of the individual.

In late 1939, Australia was a nation at the edge of the British Empire—a vibrant democracy, founded upon the common law and the long-held freedoms inherited from the mother country. The outbreak of war in Europe led to rapid changes in the Australian forces and over a few short years the drama, hardship and loss of war would forever change our perspective on Australia's place in the world. Days after the Nazis invaded Poland, a 'special force' of 20,000 Australians was raised for service 'at home or abroad as circumstances permit'. This force—which became known as the Second Australian Imperial Force—eventually expanded to five divisions: the 6th, 7th, 8th and 9th infantry divisions and the 1st Armoured Division.

It was within the 8th Division 2nd AIF that an artillery regiment composed almost entirely of Queenslanders was raised—the 2/10th Field Regiment. The 2/10th formed and trained at Redbank in Queensland in mid-July 1940, as tensions grew about a foreign threat to the nation. Young men volunteered from all walks of life and all parts of our great state—from the farmers of the far north and the graziers of the west, to city kids from Brisbane and even an entire surf lifesaving club on the Gold Coast. The average age on enlistment was 21 years and four months. In Sydney, they boarded the Queen Mary at Circular Quay and embarked for Malaya on 4 February 1941. They disembarked at Malacca on 19 February 1941. A year later, many would be dead. The rest would be guests of the emperor.

On 8 December 1941, Japanese troops landed on the north-east coast of Malaya—a mere 40 minutes before the attack on Pearl Harbour. By the end of January 1942, in a brutal jungle campaign, the Japanese had repelled the Allied forces from Malaya and forced them to retreat onto Singapore. The battle for Singapore was short and brutal. The 2/10th was located in the north-west of the island along the Straits of Johor. The Japanese crossed the Straits on barges on the night of 8 February. By 12 February, Allied troops were forced into a small, defensive perimeter around Singapore city in the island's south-east. At 10:30pm on 14 February, the guns fell silent. At 8.30 pm the following night, over 130,000 troops on Singapore Island—including 15,000 Australians—were surrendered to the Japanese.

The next 3½ years were brutal and traumatic for the prisoners of war. As Singapore fell, so did a tsunami of barbarism fall upon POWs from their captors. The 2/10th and other 8th Division forces were transferred to the infamous Changi jail. Before long, almost all Australian prisoners of war had been scattered across Japan and Southeast Asia. However, the common thread was the cruelty and inhuman conditions inflicted upon the prisoners—military and civilian, soldier and nurse, foreign or local. Starvation, physical brutality, death marches and forced labour were the daily torment of Australian POWs. Work groups were organised and sent to Japanese occupied territories for labour for roads, machinery, chemicals and infrastructure—including the infamous Burma-Thailand Railway, where 2,646 Australians died. Men ended up in Borneo, known for its death marches, where only six Australians survived. Of the 22,376 Australian prisoners of war captured by the Japanese including those from Singapore, 8,031 died while in captivity. Of the 846 officers and men of the 2/10th regiment who became prisoners, 286 died. In those dark times, the Australians fought on in spirit, forging bonds that were often closer than blood, thinking of home, surviving to be free. Truly, there are no words, no dancing poetry or solemn words of prose, that can tell us what really happened.

Like so many other Australians who have fought for freedom and liberty—before, during and after the Second World War—the story of every gunner and every nurse must be told, for
their is the story of us all. My own great uncle, Uncle Gray Schneider, is one small story. A son of Australia, who grew up in a house where German accents were within living memory, he and his brother joined up to fight German Nazis. My grandfather was left behind to manage the family farm.

Uncle Gray, by now a major, was being shipped to the Middle East to advise on tank warfare. He was captured when Singapore fell and spent his war years in camps. Gray returned home, but part of him was left behind in the camps. He died too young, haunted by ghosts and demons. He never really left Changi. A photo of Gray and my grandfather hanging in my parents’ home shows two young Australian men—testament to what once was and what was lost.

Following victory in the Pacific, the surviving prisoners of war began returning to Australia almost immediately. Tribulations did not end upon the return home. Disease followed the men and women, physical and mental—tuberculosis, liver disease and suicide were amongst the leading causes of death—but they were tough. Those who returned went on to make lives for themselves, have families and build successful careers in politics, medicine, law, sport, and business. Today, the youngest of these gunners is 94, with only eight of the 2/10th still with us. I commend Libby Parkinson, Wendy Drysdale and their families and the rest of the 2/10th Field Regiment Association for organising the annual remembrance service for all members of all units lost in battle or as prisoners of war in connection with the Malayan campaign and the fall of Singapore.

As the greatest generation slowly slips from the realm of memory to the pages of history, their lives become our story to share. As the flame of remembering the fall of Singapore passes to the next generation, so it is for all of us to hold and defend the flame of liberty and freedom. For those who returned, we give thanks and honour. We will never forget those who gave their all so that we might live in peace. We will never forget those who gave their tomorrow so that we might have our today. Lest we forget.

**Education Funding**

__Senator McEWEN (South Australia—Opposition Whip in the Senate) (19:08):__ I want to speak again tonight about the Safe Schools Coalition. I mentioned in this place yesterday the research that shows the shocking statistics about young LGBTIQ Australians. More than 60 per cent have experienced verbal abuse, 18 per cent have reported physical abuse and 26 per cent have reported being victims of rumours, graffiti and cyberbullying, and 80 per cent of that abuse occurred in our schools. We know that young people who identify as LGBTIQ are twice as likely to experience anxiety or depression, and they are three times more likely to attempt suicide. I could continue with the statistics, but there really is no need. It is proven that young gay and gender diverse Australian children and teenagers are suffering, and it distresses me that some of these young people often see their only way out is by self-harm and suicide. As if being a teenager is not hard enough, for those who identify as gay or gender diverse it can be hell. We need to do something about that and not just add to the hurt and despair felt by some of our young people because of their sexuality.

The Safe Schools Coalition program is an initiative that was implemented to do that. Labor introduced the program to address serious issues of bullying, exclusion and suicide amongst our youth. Federally funded, the program is a national coalition of organisations and schools working together to create safe and inclusive school environments. By providing the toolkit for teachers to educate against homophobia, the program promotes acceptance and understanding and helps children and teens realise that they are not alone in the world. Involving government and private schools across the country and educating more than 400,000 children, the Safe Schools Coalition has a strong track record of building confidence amongst teachers and students. I note that only one school has withdrawn from the program as a result of parental request, and that leaves over 490 schools still in the program.

Knowing the history of the program and its benefits, I was a bit surprised to hear Senator Bob Day’s tirade against it last week. Labelling the Safe Schools Coalition program ‘a gay lifestyle promotion program’, Senator Day set about actively and openly campaigning for the removal of the program from our schools. Ignoring the mental health and wellbeing of our
young people, Senator Day, who declared the program ‘controversial’, says in his press release dated 15 February that the education program is, ‘pushing gay lifestyles and gender confusion on innocent children’. What an utterly ridiculous, patronising and, importantly, unsubstantiated claim. Ludicrously, Senator Day continued his campaign by claiming on Adelaide morning radio last Wednesday that the Safe Schools Coalition program is akin to a recruitment campaign. Comparing the program to a ‘join the army’ type campaign Senator Day claimed the educational program was urging young people to ‘join the LGBTI community you don’t know what you’re missing’. I could not believe my ears when I first heard those claims.

Having visited many schools throughout South Australia in my time as a senator, I know that schools and school communities need more support, not less support, to make school safe for all students. Having spent time with young people who have kept their sexuality to themselves in fear of persecution, I know programs like Safe Schools are a necessity. Rather than promote inclusion, Senator Day would prefer to continue to marginalise young people. He is going deliberately out of his way to make schools less inclusive, and he is deliberately trying to make life more difficult for young teens and children. After last week's outburst, I did not really expect Senator Day's campaign to gain too much traction. After all his offensive views only cater to a minority and do not reflect the views of the majority of Australians, who are tolerant and have been actively working to redress the wrongs that we have perpetrated against gay people in the past. His position got a small run in the media, and I assumed that might be the end of it. But, much to my exasperation, here I was on Monday night when I heard another of my fellow South Australians peddling even more outrageous, right-wing and homophobic comments about the Safe Schools Coalition. Senator Bernardi has once again sided with his mate, Senator Day. Never mind that young people that are vilified on a daily basis because of their sexuality, Senator Bernardi inflamed and exaggerated the situation as per usual and proclaimed that the program:

… promotes a radical political and social agenda and seeks to indoctrinate students to make them its advocates.

By making those unfounded claims yet again, Senator Bernardi brought to Bob Day's campaign what Bob Day could not, and that was national media attention. Known for his outrageous comments, the media always tune into what Senator Bernardi has to say about sex and people's sexuality, and Monday night's doozy was no different. Since then, his dinosaur politics have made the newspapers and media around the country—but, fortunately, not in a good way for Senator Bernardi, because Australians reacted against this ongoing homophobia.

We had National Party senator Barry O'Sullivan echoing the propaganda in this chamber again yesterday. It is appalling that this week we have had to see so many people trying to undermine the work that has been done by so many others to promote inclusion and safety in our schools.

But what completely flummoxed me this week was the reaction of Prime Minister Malcolm Turnbull. Formerly one of the more progressive Liberals, this week we saw him kowtow to the conservative views of his right-wing puppeteers. You have to wonder if his so-called investigation into the Safe Schools program is part of some dirty deal he has made to keep the prime ministership and keep the restless Abbott faction of his government under control. It
says a lot about Mr Turnbull's priorities as Prime Minister that he launches an investigation into an $8 million school program whilst simultaneously ripping $30 billion out of the education sector as a whole. By doing that, he has bowed to the scare campaign led by Senators Bernardi, Day and others, and has put the views of extremists in his party ahead of the interests of vulnerable young Australians facing bullying at school.

Too many speeches this week have been littered with extremist views, and I have to say it has been vile. I cannot believe that so many people in this place feel that they have the right to commentate on and denigrate other people just because of their sexuality. I think Victorian Premier Dan Andrews summed it up best this week, when he said:

… let's be honest here: I don't think these extreme Liberals are actually offended by the structure of the program, or the teachers who lead it.

I just think they're offended by the kids who need it.

They don't like the fact that some young people might be different.

And I'm sick of it.

I'm sick of Liberal politicians telling our kids that there's something wrong with them—when there isn't.

I'm sick of Liberal politicians trying to push us all back, whenever we all take a few steps forward.

I note in closing that schools that participate in the Safe Schools program do so entirely voluntarily. The schools themselves choose exactly which material they want to present to students. There is absolutely no part of the Safe Schools program which is enforced or compulsory. With that, I acknowledge the work that has been done by my leader, Mr Bill Shorten, who this week went on the front foot to refute these appalling claims and, I think, has stated the Labor Party's position well. We support the Safe Schools Coalition's program. It is needed, it is necessary and we will fight to defend its existence into the future.

Drugs in Sport

Senator MADIGAN (Victoria) (19:18): Yesterday afternoon, I moved a motion for a Senate committee inquiry into Australia's participation in the international sports antidoping framework. My goal was to have this issue—and the numerous and pressing questions that still hang over it—reviewed within an employment framework. The antidoping framework is based on the needs of amateur sport. It began its life in the Olympic movement. A significant number of professional sportspeople, however, are employees.

A recent case proves the point. I refer to the double conviction of the Essendon Football Club and the resulting $200,000 fine in the Melbourne Magistrates' Court. This followed charges brought by WorkSafe Victoria that the club had failed to provide a safe system of work for its employees. The employees were 34 footballers who played for the club under a controversial 'supplements' program during the 2012 AFL season. Clearly, the involvement of WorkSafe Victoria is proof that those players were in fact employees and subject to the direction of, in this case, a culpable employer.

My push for a Senate inquiry into this issue was co-sponsored by all seven of my crossbench colleagues—Senators Leyonhjelm, Lambie, Muir, Wang, Lazarus, Day and Xenophon. It was also supported by the Greens. But the motion was blocked by the government and the ALP, and the question that must be asked is: why? That is a question only the government and the opposition can answer. Clearly, both major parties are in the grip of
the mindset that professional sport is exempt from the conventional application of Australian workplace law.

This is something that the WorkSafe Victoria case clarified, quite obviously. When you work for a real boss, in a real job, in private enterprise, your relationship with your employer is one by employment. It is a business relationship. You are party to a contract, either written or unwritten. In entering into such a relationship, under which you undertake to do work in return for wages or salaries, your employer is entitled to give you lawful direction and you are obliged to comply with the lawful directives of your employer or potentially stand accused of workplace insubordination—that is, breaking your employment contract.

In the case of the Bombers, the club as employer created a program for its players as employees. Being employees, they were expected to participate under their contracts of employment. The footballers as loyal employees had to comply with their employer's wishes. The program instigated by their employer included injections. This now apparently ill-considered decision by club management ultimately saw the employer—the club—having to plead guilty to two charges of breaching the Victorian Occupational Health and Safety Act by risking its players' health and failing to provide a safe work environment. Indeed, Magistrate Peter Reardon reportedly said the safety breaches involved the invasion of the players' bodies via injections. He said:

These are serious breaches from a professional sporting club that could have been avoided if the club had acted openly, honestly and professionally ... In a subsequent statement, WorkSafe Victoria said the prosecution and conviction of the Essendon Football Club should serve as a warning to professional sports organisations that they must protect the health and safety of their players, many of whom are young and vulnerable workers.

How, then, did we get into a situation where ASADA was drawn into a workplace disciplinary investigation? ASADA's involvement has ultimately shifted the public's perception of culpability for a management action from management onto the club's frontline workforce—its footballers. Indeed, how did we get into a situation where ASADA managed to do this by means of what many in the legal profession have dubbed a double-jeopardy prosecution? Even then, it was a double-jeopardy prosecution enabled by an inappropriately low standard of proof. I use the phrase 'double-jeopardy prosecution' with the utmost gravity, because all 34 players had initially been cleared of wrongdoing by two retired Victorian County Court judges and an eminent Melbourne barrister. Sitting as the AFL Anti-Doping Tribunal, they cleared the team of any wrongdoing on the basis of a lack of hard evidence.

Under the National Anti-Doping Framework, ASADA CEO Mr Ben McDevitt could have appealed the decision to the AFL anti-doping appeals tribunal, but he did not. Such an appeal would most certainly have been in keeping with ASADA's statutory obligation to act as a model litigant. It would also have certainly demonstrated a willingness on ASADA's part to avoid, prevent and limit the scope of legal proceedings wherever possible. But what we got instead on the part of Mr McDevitt was a vote of no confidence in the very framework that he is responsible for administering. What we got instead was a decision to put the Essendon matter before the grandly-named Court of Arbitration for Sport, or CAS, to secure a result at any cost. The end justified the means, apparently. We unnecessarily contracted out the fates...
and futures of 34 leading, young Australian sportsmen to a foreign tribunal instead of a competent Australian one.

Evidence given to Senate estimates last June showed that the cost to the Commonwealth of these actions was $100,000. This has resulted in the players having to appeal the CAS decision in the Swiss legal system, in French and German, rather than in any Australian court. How does that fit with ASADA’s obligation to behave as a model litigant? How did we get to this point? The answer to this question is can be found in the Howard government’s 2004 election policy Building Australian Communities through Sport.

We should remember that 2004 was also the election at which the coalition was returned to introduce its notorious Work Choices legislation. The Tough on Drugs in Sport policy, in effect, was and remains the Work Choices of sport. This was the policy that gave rise to the formation of ASADA in 2006. In doing so, this policy tore down the former ASDA, which was established in 1990 by the Hawke government with express consideration for every athlete’s rights, specifically, to privacy and natural justice. This was the policy that committed Australia to membership of WADA. It was under this policy that the AFL was forced to sign onto the WADA code under threat of losing federal government funding for essential purposes such as stadium improvements.

It was because of this policy that former Essendon coach James Hird took matters to the Federal Court. Clearly this saga should have remained within the scope of a football tribunal or Fair Work Australia. Either way, there is clearly a lack of fundamental checks and balances on ASADA. It was under this Howard-era policy that ASADA harassed Olympic swimmer Ian Thorpe for 10 months, even though its own scientists were unable to find any proof of hormone doping on his part. It was because of this policy that the Howard government bound Australia by treaty obligation to the UNESCO International Convention against Doping in Sport instead of looking to Australian courts and tribunals.

The policy provided for the global harmonisation of anti-doping policies and practices and, with this, the loss of Australian legal authority to foreign non-government entities. This imperative for harmonisation has been a Trojan Horse. It has impacted on the conventional understanding of Australian workplace justice. It all started with a Howard government policy. Left unchecked, it resulted in Gillard government ministers Kate Lundy and Jason Clare presiding over the blackest day in sport. It is no wonder that both major parties blocked our motion for a Senate inquiry. Is it any wonder that they want this embarrassing mess swept under the carpet? Here is my response: I am only just beginning. If the majority of senators chose to ignore this sort of grave injustice, they are complicit in something that one day may also affect one or more of their constituents, if not themselves, their friends or even one of their loved ones.

Senate adjourned at 19:28

DOCUMENTS

Tabling

The following documents were tabled by the Clerk pursuant to statute:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]


Excise Act 1901—Excise (Volume of Liquid Fuels—Temperature Correction) Determination 2016 (No. 1) [F2016L00133].


Tabling

The following documents were tabled by the Clerk pursuant to order:

Indexed lists of departmental and agency files for the period 1 July to 31 December 2015—Statements of compliance pursuant to the order of the Senate of 30 May 1996, as amended—

Australian Public Service Commission.

Finance portfolio.

Safe Work Australia.