**INTERNET**


**SITTING DAYS—2019**

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<tr>
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- **MELBOURNE** 1026AM
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FORTY-SIXTH PARLIAMENT
FIRST SESSION—FIRST PERIOD

Governor-General
His Excellency General the Hon. David John Hurley, AC, DSC, FTSE (Retd)

Senate Office Holders
President—Senator the Hon. Scott Ryan
Deputy President and Chair of Committees—Senator Susan Lines
Temporary Chairs of Committees—Senators Askew, Bernardi, Bilyk, Brockman, Brown, Faruqi, Fawcett, Fierravanti-Wells, Gallacher, Griff, Kitching, Sterle and Stoker
Leader of the Government in the Senate—Senator the Hon. Mathias Cormann
Deputy Leader of the Government in the Senate—Senator the Hon. Simon Birmingham
Leader of the Opposition in the Senate—Senator the Hon. Penny Wong
Deputy Leader of the Opposition in the Senate—Senator the Hon. Kristina Keneally
Manager of Government Business in the Senate—Senator the Hon. Anne Ruston
Deputy Manager of Government Business in the Senate—Senator Jonathon Duniam
Manager of Opposition Business in the Senate—Senator Katy Gallagher
Deputy Manager of Opposition Business in the Senate—Senator Kimberley Kitching

Senate Party Leaders and Whips
Leader of the Liberal Party in the Senate—Senator the Hon. Mathias Cormann
Deputy Leader of the Liberal Party in the Senate—Senator the Hon. Simon Birmingham
Leader of The Nationals in the Senate—Senator the Hon. Bridget McKenzie
Deputy Leader of The Nationals in the Senate—Senator the Hon. Matthew Canavan
Leader of the Labor Party in the Senate—Senator the Hon. Penny Wong
Deputy Leader of the Labor Party in the Senate—Senator the Hon. Don Farrell
Leader of the Australian Greens—Senator Richard Di Natale
Deputy Leader of the Australian Greens in the Senate—Senator Larissa Waters
Chief Government Whip—Senator Dean Anthony Smith
Deputy Government Whips—Senators James McGrath and Slade Brockman
The Nationals Whip—Senator Perin Davey
Chief Opposition Whip—Senator Anne Elizabeth Urquhart
Deputy Opposition Whips—Senators Raff Ciccone and Malarndirri McCarthy
Australian Greens Whip—Senator Rachel Siewert

Printed by authority of the Senate
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<th>Senator</th>
<th>State or Territory</th>
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<tr>
<td>Abetz, Hon. Eric</td>
<td>TAS</td>
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<td>Antic, Alexander</td>
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<td>Askew, Wendy</td>
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<td>Bernardi, Cory</td>
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<td>Bilyk, Catryna Louise</td>
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<td>Birmingham, Hon. Simon John</td>
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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:

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<th>Territory</th>
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<th>Party</th>
<th>Senator</th>
<th>Party</th>
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<td>ALP</td>
<td>McMahon, S.J.</td>
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[*] Chosen by the Parliament of Victoria to fill a casual vacancy (vice S Conroy), pursuant to section 15 of the Constitution.

[1] Chosen by the Parliament of South Australia to fill a casual vacancy (vice N Xenophon), pursuant to section 15 of the Constitution.


[3] Chosen by the Parliament of Queensland to fill a casual vacancy (vice G Brandis), pursuant to section 15 of the Constitution.

PARTY ABBREVIATIONS
AG—Australian Greens; ALP—Australian Labor Party;
CA—Centre Alliance; CLP—Country Liberal Party; IND—Independent;
JLN—Jacqui Lambie Network; LNP—Liberal National Party;
LP—Liberal Party of Australia; NATS—The Nationals;
PHON—Pauline Hanson's One Nation

Heads of Parliamentary Departments
Clerk of the Senate—R Pye
Clerk of the House of Representatives—D Elder
Secretary, Department of Parliamentary Services—R Stefanic
Parliamentary Budget Officer—J Wilkinson
<table>
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<tr>
<th>Title</th>
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<td>Prime Minister</td>
<td>The Hon. Scott Morrison MP</td>
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<tr>
<td>Minister for the Public Service</td>
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<tr>
<td>Minister for Women</td>
<td>Senator the Hon. Marise Payne</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for the</td>
<td>The Hon. Greg Hunt MP</td>
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<tr>
<td>Public Service and Cabinet</td>
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<tr>
<td>Minister for Indigenous Australians</td>
<td>The Hon. Ken Wyatt AM MP</td>
</tr>
<tr>
<td>Assistant Minister to the Prime Minister and</td>
<td></td>
</tr>
<tr>
<td>Cabinet</td>
<td>The Hon. Ben Morton MP</td>
</tr>
<tr>
<td>Deputy Prime Minister and Minister for</td>
<td>The Hon. Michael McCormack MP</td>
</tr>
<tr>
<td>Infrastructure, Transport and Regional Development</td>
<td></td>
</tr>
<tr>
<td>Minister for Water Resources, Drought, Rural</td>
<td>The Hon. David Littleproud MP</td>
</tr>
<tr>
<td>Finance, Natural Disaster and Emergency Management</td>
<td></td>
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<tr>
<td>Minister for Population, Cities and Urban</td>
<td>The Hon. Alan Tudge MP</td>
</tr>
<tr>
<td>Infrastructure</td>
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<tr>
<td>Minister for Regional Services, Decentralisation</td>
<td>The Hon. Mark Coulton MP</td>
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<tr>
<td>and Local Government</td>
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<tr>
<td>Assistant Minister for Road Safety and Freight</td>
<td>The Hon. Scott Buchholz MP</td>
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<tr>
<td>Transport</td>
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<tr>
<td>Assistant Minister to the Deputy Prime Minister</td>
<td>The Hon. Andrew Gee MP</td>
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<tr>
<td>Assistant Minister for Regional Development and</td>
<td>The Hon. Nola Marino MP</td>
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<tr>
<td>Territories</td>
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<td>Treasurer</td>
<td>The Hon. Josh Frydenberg MP</td>
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<tr>
<td>Minister for Population, Cities and Urban</td>
<td>The Hon. Alan Tudge MP</td>
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<tr>
<td>Assistant Treasurer</td>
<td>The Hon. Michael Sukkar MP</td>
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<tr>
<td>Minister for Housing</td>
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<tr>
<td>Assistant Minister for Superannuation, Financial</td>
<td>Senator the Hon. Jane Hume</td>
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<td>Minister for Finance</td>
<td>Senator the Hon. Mathias Cormann</td>
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<tr>
<td>(Vice-President of the Executive Council)</td>
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<tr>
<td>(Leader of the Government in the Senate)</td>
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<tr>
<td>Assistant Minister for Finance, Charities and</td>
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<td>Electoral Matters</td>
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<td>Minister for Agriculture</td>
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<td>Minister for Foreign Affairs</td>
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<td>(Deputy Leader of the Government in the Senate)</td>
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<tr>
<td>Minister for Trade, Tourism and Investment</td>
<td>Senator the Hon. Simon Birmingham</td>
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<tr>
<td>(Deputy Leader of the Government in the Senate)</td>
<td>The Hon. Alex Hawke MP</td>
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<tr>
<td>Minister for International Development and the</td>
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<tr>
<td>Pacific</td>
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<tr>
<td>Assistant Trade and Investment Minister</td>
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<td>Assistant Minister for Regional Tourism</td>
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<td>The Hon. Christian Porter MP</td>
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<tr>
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<tr>
<td><strong>Leader of the Opposition</strong></td>
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<td><strong>Shadow Cabinet Secretary</strong></td>
<td>Senator Jenny McAllister</td>
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<tr>
<td><strong>Deputy Leader of the Opposition</strong></td>
<td>The Hon. Richard Marles MP</td>
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<td>The Hon. Linda Burney MP</td>
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<td>Senator Patrick Dodson</td>
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<td>The Hon. Brendan O'Connor MP</td>
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<td>Clare O'Neil MP</td>
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<td>Senator Louise Pratt</td>
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<td>The Hon. Warren Snowdon MP</td>
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<td>The Hon. Amanda Rishworth MP</td>
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<td>Madeleine King MP</td>
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Each box represents a portfolio. Shadow Cabinet Ministers are shown in bold type.
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Thursday, 1 August 2019

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

DOCUMENTS
Tabling
The Clerk: I table documents pursuant to statute as listed on the Dynamic Red. Full details of the documents are recorded in the Journals of the Senate.

COMMITTEES
Meeting
The Clerk: Proposals to meet have been lodged as follows:

Education and Employment Legislation and References Committees—private meetings otherwise than in accordance with standing order 33(1)—

Wednesday, 11 September 2019, from 11 am.
Wednesday, 16 October 2019, from 11 am.
Wednesday, 13 November 2019, from 11 am.
Wednesday, 27 November 2019, from 11 am.

Environment and Communications Legislation and References Committees—private meetings otherwise than in accordance with standing order 33(1) today, from 1 pm.

Treaties—Joint Standing Committee—public meetings during the sittings of the Senate—

Monday, 9 September 2019, from 11 am.
Monday, 16 September 2019, from 11 am.
Monday, 14 October 2019, from 11 am.
Monday, 25 November 2019, from 11 am.
Monday, 2 December 2019, from 11 am.

The PRESIDENT (09:31): I remind senators the question may be put on any proposal at the request of any senator. There being none, we shall proceed.

QUESTIONS TO THE PRESIDENT
Leave of the Senate


Leave granted.

Senator WHISH-WILSON: Yesterday during motions I was denied leave to speak for a minute on a motion that I had put to the Senate for referral to the Environment and Communications References Committee. For clarification, I went back and reviewed the video around the motion. Leave was granted and you did grant me leave to speak. I spoke for about three seconds before you then said leave wasn't granted. I want to ask about the precedent about you making a decision or ruling that leave has been granted and then a senator speaking and then having their— I'm not asking about why leave was denied. I want to know about the precedent of having leave granted and then having it taken away while you're in the middle of a speech.

The PRESIDENT (09:32): I made a mistake in that case, Senator Whish-Wilson. Leave was denied. My attention was brought to it. As we know, in that section of the Senate's business leave is often granted—I simply jumped at it. I made the mistake and, hence, when it was brought to my attention I corrected that mistake.

Senator WHISH-WILSON (Tasmania) (09:32): Okay. Perhaps in future, Mr President, if that could be explained: it might have reduced some tensions in the chamber.

The PRESIDENT (09:32): I'm happy to admit if I make error and I'm happy for anyone to draw my attention to such an error. That section of the day is obviously sometimes a difficult one. I will make it very clear from this point that I will not presume leave is granted, so I don't inadvertently make that error again.
Consideration resumed.

The CHAIR (09:33): The committee is considering opposition amendments (1) to (4) on sheet 8730.

Senator SIEWERT (Western Australia—Australian Greens Whip) (09:33): I have a couple of extra questions, and then I'll explain our position on these amendments. Yesterday the minister articulated that support would be available for people to fill in forms and to participate in the process to apply for exemptions. Senator Lines, who is now in the chair, asked a question about whether community organisations would also be able to provide that support. I'm just wondering whether funding will be available to those organisations for additional support for people, because some community organisations are already pretty flat out providing service support to community.

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (09:34): My understanding is the funding is already available for assisting people, broadly. So there is actually funding available for people to exit the card currently under the wellbeing provisions. Obviously, if additional resources are required, we would look at it. But at this stage, we believe that adequate resources are currently being provided to enable the assistance of these people but, obviously, we'll keep a very close eye on it.

Senator SIEWERT (Western Australia—Australian Greens Whip) (09:35): Thanks for that. Could you perhaps, if you haven't got it available, take on notice to provide how much it is and which organisations in the trial sites it's going to?

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (09:35): Yes, of course.

Senator SIEWERT (Western Australia—Australian Greens Whip) (09:35): Also, I just want to follow up on the costing question and answer that we went over yesterday in terms of the cost of the trials, the $34 million. My understanding is that there's around $126 million over the forward estimates. What is that for? Is it for the ongoing trial sites and the expansion of the Indue card in the Northern Territory? Or is it for something else?

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (09:36): It's for the ongoing operation of the trial sites, the four trial sites as they currently are, and also forward funding for the NT and Cape York subject, obviously, to the passage of legislation through this place.

Senator SIEWERT (Western Australia—Australian Greens Whip) (09:36): I also just want to clarify, in your sum-up, you made comments around the number of purchases that had been rejected from the card. My recollection is you said the number of rejected attempts to purchase alcohol and gambling amounted to $400,000. Are they failed attempts on the card? I'm sure you're aware there has been quite a lot of failed attempts to use the card, not just because people were buying alcohol and gambling but because the system wasn't working or whatever. Is that $400,000 purely around alcohol and gambling or does it also include failed attempts to use the card?

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (09:37): No, the $400,000 I stated in my summing up statement yesterday was from unsuccessful purchases or alcohol or gambling products.

Senator SIEWERT (Western Australia—Australian Greens Whip) (09:37): Thank you for that clarification. Do you have figures on the failed attempts as well?

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (09:37): Just to be clear, are you referring to failed attempts to use the card where the card has been the problem as opposed to some other external EFTPOS machine?

Senator SIEWERT (Western Australia—Australian Greens Whip) (09:38): Yes.

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (09:38): But an EFTPOS machine can fail more generally. Are you asking about the specific failure rate that is directly attributed to the card?

Senator SIEWERT (Western Australia—Australian Greens Whip) (09:38): Yes.

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (09:38): I'm happy to take that on notice for you.
Senator SIEWERT (Western Australia—Australian Greens Whip) (09:38): I can now articulate the Greens' position on this amendment. We will support it. I have thought quite long and hard about this because I do see the other side of the argument, which is this will enable us to make quick decisions if there's some other way to enable people to opt out. My concern is that it could be used in future to make things harder to opt out rather than to facilitate opting out. So, on balance, we will support this amendment because we're concerned about ramping up and perhaps narrowing down how people can opt out.

Senator CAROL BROWN (Tasmania) (09:38): I just would like some clarification from the minister because, in her responses to questions yesterday, I thought she'd indicated that there was going to be additional funding made available to organisations to provide services to support people to get off the card. And I think she has now said that these organisations are already funded. If she can clarify which is correct?

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (09:41): To clarify, in answer to the question from Senator Siewert about the funding that was made available to the community service organisations, that is already built into the funding that we receive. There is, however, additional funding that is available to assist people coming off the card as required.

Senator CAROL BROWN (Tasmania) (09:40): Is the minister able to tell the Senate how much we're talking about in terms of additional funding? What organisations will be receiving that funding and at what level?

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (09:41): I will take that on notice and get back to you.

The CHAIR: The question is that amendments (1) to (4) on sheet 8730 as moved by Senator Brown be agreed to.

The committee divided. [9:45]

(The Chair—Senator Lines)

Ayes ........................28
Noes ........................34
Majority .................6

AYES

Ayres, T
Brown, CL
Ciccone, R (teller)
Farrell, D
Gallacher, AM
Hanson-Young, SC
Kitching, K
McAllister, J
O'Neill, D
Rice, J
Smith, M
Sterle, G
Walsh, J
Watt, M

NOES

Abetz, E
Askew, W
Bragg, A J
Canavan, MJ
Chandler, C
Davey, P
Fifield, MP
Hanson, P
Hume, J

Antic, A
Bernardi, C
Brockman, S
Cash, MC
Colbeck, R
Fawcett, DJ
Griff, S
Hughes, H
Lambie, J

CHAMBER
Question negatived.

Senator SIEWERT (Western Australia—Australian Greens Whip) (09:48): by leave—I move Australian Greens amendments (1) to (3) on sheet 8733:

(1) Schedule 1, item 9, page 5 (line 9), omit "an offence", substitute "a serious offence".

(2) Schedule 1, item 9, page 5 (after line 19), after subsection 124PHB(3), insert:

(3A) For the purposes of subparagraph 124PHB(3) (a) (ii), a serious offence means an offence where:

(a) the offence:

(i) involves violence against a person; or
(ii) is a serious drug offence; or
(iii) involves serious damage to property; and
(b) the offence is punishable by:

(i) imprisonment for life; or
(ii) imprisonment for a fixed term of not less than 3 years; or
(iii) imprisonment for a maximum term of not less than 3 years.

(3) Schedule 1, item 9, page 6 (lines 1 to 6), omit subsection 124PHB(8), substitute:

Reconsideration of Secretary's determination

(8) If a health or community worker:

(a) has a direct professional relationship with a person who is the subject of a determination under subsection (3); and
(b) considers that it is necessary for the person to be a trial participant for medical or safety reasons;

the worker may request the Secretary to reconsider the determination.

These relate to the issues that I raised in my speech on the second reading and in some of the questions I was asking around 'serious offence'—the offence provision and the exit criteria—to add 'serious' in front of 'offence', so that it's a serious offence that is taken into account. The other one relates to the relationship with a health and community worker. I did ask some questions about that in the chamber, where the minister articulated that there will be notes in the guidance around this issue to clarify that they will have to have a professional relationship. We think it is better off in the legislation. I appreciate that the minister made a commitment to do that, and on the form, but I do think that it's better off in the legislation. So that is what that particular amendment is about. I commend the amendment to the chamber.

Senator CAROL BROWN (Tasmania) (09:50): I would just like to indicate to the chamber that the Labor Party will be supporting this set of amendments.

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (09:50): Thank you, Senator Siewert. As an explanation of why the government won't be supporting these amendments, whilst we take Senator Siewert's point in relation to the seriousness of the offence, many of the offences that would not be captured under this particular serious criteria are the offences that are, indeed, the reason why the card was put in place in the first place. Many of these sorts of antisocial behaviours would not attract a serious offence. However, they are considered very serious in terms of the impact they're having on these communities.

CHAMBER
The question is that the amendments (1) to (3) on sheet 8733 as moved by Senator Siewert be agreed to.

The committee divided. [09:55]

(The Chair—Senator Lines)

Ayes ..................... 28
Noes ..................... 34
Majority ............... 6

AYES

Ayres, T
Brown, CL
Ciccone, R (teller)
Farrell, D
Gallacher, AM
Hanson-Young, SC
Kitching, K
McAllister, J
O’Neill, D
Rice, J
Smith, M
Sterle, G
Walsh, J
Watt, M

Bilyk, CL
Chisholm, A
Di Natale, R
Faruqi, M
Green, N
Keneally, KK
Lines, S
McKim, NJ
Pratt, LC
Siewert, R
Steele-John, J
Urquhart, AE
Waters, LJ
Whish-Wilson, PS

NOES

Abetz, E
Askew, W
Bragg, A J
Canavan, MJ
Chandler, C
Davey, P
Fitfield, MP
Hanson, P
Hume, J
McDonald, S
McKenzie, B
O’Sullivan, MA
Patrick, RL
Reynolds, L
Ruston, A
Seselja, Z
Stoker, AJ

Antic, A
Bernardi, C
Broekman, S
Cash, MC
Colbeck, R
Fawcett, DJ
Griff, S
Hughes, H
Lambie, J
McGrath, J (teller)
McMahon, S
Paterson, J
Rennick, G
Roberts, M
Scarr, P
Smith, DA
Van, D

PAIRS

Carr, KJ
Dodson, P
Gallagher, KR
McCarthy, M
Polley, H
Sheldon, A
Wong, P

Duniam, J
Fierravanti-Wells, C
Sinodinos, A
Birmingham, SJ
Payne, MA
Ryan, SM
Cormann, M

Question negatived.

Senator CAROL BROWN (Tasmania) (09:57): I move opposition amendment on sheet 8729:

(1) Page 6 (after line 31), at the end of the Bill, add:

Schedule 2—Community support for cashless welfare arrangements

Social Security (Administration) Act 1999

1 Subsection 124PD(1)

Insert:

community discussion report: see subsection 124PV(4).
community support report: see subsection 124PT(2).

2 Subsection 124PD (1) (definition of voluntary participant)
Omit "subsection 124PH(3)", substitute "subsections 124PH(3) and 124PHAA(4)".

3 At the end of section 124PG
Add:
(7) A person ceases to be a trial participant on 31 January 2020 unless a determination is made under section 124PV that applies to the Ceduna area.

4 At the end of section 124PGA
Add:
(7) A person ceases to be a trial participant on 31 January 2020 unless a determination is made under section 124PV that applies to the East Kimberley area.

5 At the end of section 124PGB
Add:
(7) A person ceases to be a trial participant on 31 January 2020 unless a determination is made under section 124PV that applies to the Goldfields area.

6 At the end of section 124PGC
Add:
(7) A person ceases to be a trial participant on 31 January 2020 unless a determination is made under section 124PV that applies to the Bundaberg and Hervey Bay area.

7 Section 124PH (at the end of the heading)
Add "—general".

8 Paragraph 124PH(1) (bd)
Repeal the paragraph, substitute:
(bd) subsection (2A), (2B) or (2C) apply to the person; and

9 After subsection 124PH(1)
Insert:
(2A) This subsection applies to a person if, before 31 January 2020, the person is not subject to the income management regime under Part 3B.
(2B) This subsection applies to a person if, on or after 31 January 2020, the person is not subject to the income management regime under section 123UC, 123UCB, 123UCC or 123UF.
(2C) This subsection applies to a person if:
(a) a determination has been made under section 124PV that applies to the trial area that is the person's usual place of residence; and
(b) the person is not subject to the income management regime under Part 3B.

10 At the end of Subdivision B of Division 1 of Part 3B
Add:
124PHAA Voluntary participants—Bundaberg and Hervey Bay area
(1) This section applies on and after 31 January 2020 unless a determination is made under section 124PV that applies to the Bundaberg and Hervey Bay area.
(2) A person may notify the Secretary, orally or in writing, that the person wishes to be subject to cashless welfare arrangements if:
   (a) the person's usual place of residence is, becomes or was within the Bundaberg and Hervey Bay area; and
   (b) the person is receiving newstart allowance, youth allowance (where neither section 540AA of the 1991 Act (about new apprentices) nor paragraph 541(1) (a) of the 1991 Act (about full-time study) applies) or parenting payment; and
   (c) the person is under 35 years of age on the day this section commences and the person has not turned 36 years of age; and
   (d) the person does not have a Part 3B payment nominee (within the meaning of Part 3B); and
   (e) the person is not covered by a determination under subsection 43(3A); and
   (f) the person is not subject to the income management regime under section 123UC, 123UCB, 123UCC or 123UF; and
   (g) the person is not otherwise a trial participant.
(3) A person may withdraw the notification at any time.
(4) Until a person withdraws the notification, the person is a voluntary participant, unless the Secretary determines that the person is not to be subject to cashless welfare arrangements under subsection (5).

(5) The Secretary may determine that a person who is a voluntary participant is not to be subject to cashless welfare arrangements. If the Secretary makes such a determination, the Secretary must notify the person, in writing, accordingly.

11 At the end of Part 3D
Add:

124PT Community support for trial of cashless welfare arrangement
(1) As soon as practicable after this section's commencement, the Minister must cause a review to determine whether the community in each trial area genuinely supports the trial of a cashless welfare arrangement in that area.

(2) The persons conducting the review must provide the Minister a written report (the community support report) of the review before 31 December 2019.

(3) The Minister must publish the report on the Department's website as soon as practicable after the report is given to the Minister.

(4) The Minister must cause copies of the report to be tabled in each House of the Parliament within 15 sitting days of that House after the report is given to the Minister.

124PU Statement on support for the provision of services in trial areas
(1) Before 31 December 2019, the Minister must publish on the Department's website a statement setting out the steps that have been taken by the Commonwealth to support the provision of relevant services in each trial area and set out future improvements to those relevant services.

(2) Relevant services in a trial area are services relating to the care, protection, welfare or safety of adults, children or families including economic development and employment programs, early intervention and community services, and drug and alcohol rehabilitation services.

(3) The Minister must cause copies of the statement to be tabled in each House of the Parliament within 15 sitting days of that House after the statement's publication.

124PV Determination to allow for continuation of cashless welfare arrangement in trial area
(1) The Minister may, by legislative instrument, make a determination in relation to a trial area if the Minister is satisfied the community in the trial area genuinely supports the trial of a cashless welfare arrangement in that area.

(2) In determining whether the community genuinely supports the trial, the Minister must have regard to all of the following:
   
   (a) the community support report in relation to the trial area;
   
   (b) the community discussion report in relation to the trial area;
   
   (c) any submissions made to the Minister under subsection (5);
   
   (d) the views of communities bodies (if any) in the trial area.

(3) The determination must set out the Minister's reasons for being satisfied the community in the trial area genuinely supports the trial of a cashless welfare arrangement in that area.

(4) Before making the determination, the Minister must cause:
   
   (a) a meeting to occur in the trial area for the community to discuss with the Department the effect of the determination if made; and
   
   (b) a report (the community discussion report) to be prepared of the discussion that occurred at the meeting; and
   
   (c) the community discussion report to be published on the Department's website.

(5) Before making the determination, the Minister must publish a notice inviting written submissions about making of the determination to be provided on or before a day (the closing day) that is no earlier than 2 weeks after the day of the notice's publication.

The cashless debit card trial has been going on for too long. It is no longer a trial. The amendment sets out a process for establishing genuine community support for the card before the end of the year. Unless the government is able to clearly demonstrate that support, the amendment would make the cashless debit card voluntary from 31 January 2020. This applies to each of the existing cashless debit card areas—East Kimberley, Ceduna, Bundaberg, Hervey Bay and the Goldfields.

The amendment requires the minister to produce by the end of the year a community support report demonstrating whether there is genuine community support for the continuation of the cashless debit card in each of the trial areas. Support from a local MP or a mayor would not be enough to justify the continuation of the card. The report would need to clearly examine whether there was genuine support in the local community. This report will be required to be made public and tabled in parliament. The amendment will also require the minister to produce a statement on the support for the provision of services. This requires the minister to set out clearly what wraparound services are available in a cashless debit card trial area and how they will be improved. This is
necessary because the communities are being told by this government that the cashless debit card is the only support they will get. This is reactionary thinking, and it is the kind of approach to income management that has been disproved time and time again. The blanket application is on par with the shameful system of food stamps used in the United States. The government needs to be forced to outline the investments it will make in economic development and job creation, early intervention, health and education, and drug and alcohol rehabilitation, because the rights supports and opportunities can address some of the underlying causes of disadvantage much more effectively than the cashless debit card. If, after completing the process of producing these two reports, the minister does think there is genuine support in the community, they must make a determination to continue the cashless debit card. As part of the process, the minister must also hold a community meeting so any claims about support are transparent. The determination would be disallowable by the Senate. I commend the amendments to the Senate.

**Senator SIEWERT** (Western Australia—Australian Greens Whip) (10:00): The Greens will be supporting these amendments. They don't go far enough for us however. We moved a second reading amendment that said we should get rid of income management and the cashless welfare card. The cashless welfare card, as I articulated in my second reading contribution, demonises people and stigmatises people, and it is not the way that we address the very serious issues that we know communities are facing. I've gone through the details of that extensively in this place on many occasions. So we think this is a step in the right direction, which is why we're supporting it. We should make the cashless welfare card voluntary.

I'm very sceptical about testing community support because the experience at the moment is that it is a flawed approach. The government keeps tells us it's supporting communities; however, when I go into those communities, I don't see a whole lot of support for the people who are stuck on the card, who are suffering the effects of the card, whose lives have been made harder by the card. I've articulated those experiences in this place on many occasions—in particular, yesterday in my second reading contribution and the night before in my adjournment speech. There are a lot of people whose lives have not been made better by this card; they've been made significantly worse in terms of not only their capacity to manage their finances but also their physical and, in particular, mental health.

Having said that, this is a step in the right direction. I know that what the Greens expect from the amendments around community support and testing is an independent process, not one that is driven by government. Quite frankly, we simply cannot trust them to do the job properly. We've seen flawed consultation processes in the past; we've seen flawed evaluation processes, and, again, I've spoken about those flaws on many occasions. So we say that this consultation process needs to be carried out independently and needs to be clear, transparent and accountable. Having said that, these amendments are a step in the right direction, so we will be supporting them.

**Senator RUSTON** (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (10:03): The government won't be supporting these amendments because the government believes that one of the strengths of this particular initiative is the fact that we are able to work in partnership with communities to make sure that we continue to be flexible, backwards and forwards, about meeting their requirements. Also, we have and we continue to consult and work with community leaders, representative bodies, local governments, service providers, community members and people on the card. So far, the experience we have had is that, overwhelmingly, these people are in support of the positive benefits that are being generated by this particular initiative, and we will continue to work with them to that affect. Obviously, there are a series of reviews that have been in place to assess the validity and the benefits of this card, all of which have been made publicly available and which will continue to be made publicly available into the future.

Most importantly, when we consider the benefits and outcomes that we've seen in the trial sites of the delivery and operation of this card, are the rights of the children. The rights of the children in delivering this card have been at the absolute forefront of everything we've done, and ensuring the welfare of children ranks as one of the most basic and important tasks of any government and any society. Children have the right to access food, safe housing and education, and we will continue to work in partnership with communities across Australia to make sure this program continues to deliver benefits to our most vulnerable—our young.

**Senator SIEWERT** (Western Australia—Australian Greens Whip) (10:04): I can't let that remark about considering the children go past without comment. That's why you brought in the intervention, the Northern Territory intervention. The claim of the government at that time was that this was about the children. Twelve years later, have we seen that situation fixed? No, we haven't. We see an increasing number of kids going into out-of-home care; we see an increasing number of kids interacting with the justice system. Clearly, it is not working.

The final evaluation of the intervention shows it has met none of its objectives. It is not working. The government keep reiterating this because they are ideologically committed to it; they are not genuinely committed to looking at the evidence. You dismiss proper evaluation of the evidence, independent evaluation of the evidence,
such as that which was carried out for the Northern Territory intervention. You don't take any of that into account when you're commenting on the children.

There is no evidence that this helps. Twelve years worth of this giant experiment with income management has not worked, because children in the Northern Territory are still going into out-of-home care. We've still got those very same issues. We need to change the way we do things; we need to look at the underlying causes. All this does is entrench dependence on the system, which is what the final evaluation of the Northern Territory intervention suggested—that is, there's evidence to suggest that financial management has gone backwards. And that's also what people are saying to us.

When you say you're consulting with people—the baseline evaluation by the University of Adelaide was not a baseline evaluation; it was a semi-evaluation, the same as what the ORIMA process had done. It was push polling of people. People are on the card, they know they don't want to be on the card, so when somebody being paid by government comes along and says, 'Are you drinking less?' then of course they're going to say yes, because they know that person is being paid by the government.

The Labor government did the same thing—sorry to the opposition; I'm not directly attacking you—and Jenny Macklin came out with a report that showed there had supposedly been improvements in people buying fresh food et cetera in the Northern Territory. AIHW had to come out and say, 'Actually you've interpreted this data wrong.' This was for exactly the same reasons that I've just articulated. When people who are dependent on the system know the person asking them questions has come from the government, then of course they're going to say they're feeding their children more, they're buying more fresh fruit and vegetables. When you're evaluating something, essentially you don't do push polling.

Please, spare us the lecture about looking after the kids. If you're looking after the children, you would not be perpetuating this system.

The CHAIR: The question is that amendment (1) on sheet 8729 as moved by Senator Brown be agreed to.

The committee divided. [10:12]

(The Chair—Senator Lines)

Ayes ......................28
Noes ......................33
Majority ..............5

AYES

Ayres, T
Brown, CL
Ciccone, R (teller)
Faruqi, M
Gallagher, KR
Hanson-Young, SC
Kitching, K
McAllister, J
O'Neill, D
Rice, J
Smith, M
Sterle, G
Walsh, J
Watt, M

Bilyk, CL
Chisholm, A
Di Natale, R
Gallacher, AM
Green, N
Keneally, KK
Lines, S
McKim, NJ
Pratt, LC
Siewert, R
Steele-John, J
Urquhart, AE
Waters, LJ
Whish-Wilson, PS

NOES

Abetz, E
Askew, W
Bragg, A J
Canavan, MJ
Chandler, C
Davey, P
Fawcett, DJ
Griff, S
Hughes, H
Lambie, J
McMahon, S
Paterson, J
Rennick, G
Roberts, M

Antic, A
Bernardi, C
Brockman, S (teller)
Cash, MC
Colbeck, R
Duniam, J
Fifield, MP
Hanson, P
Hume, J
McDonald, S
O'Sullivan, MA
Patrick, RL
Reynolds, L
Ruston, A
Question negatived.
Bill agreed to.
Bill reported without amendments; report adopted.

Third Reading

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (10:15): I move:
That this bill be now read a third time.
Question agreed to.

Australian Security Intelligence Organisation Amendment (Sunsetting of Special Powers Relating to Terrorism Offences) Bill 2019

Second Reading

Consideration resumed of the motion:
That this bill be now read a second time.

Senator KENEALLY (New South Wales—Deputy Leader of the Opposition in the Senate) (10:16): I rise to speak on the Australian Security Intelligence Organisation Amendment (Sunsetting of Special Powers Relating to Terrorism Offences) Bill 2019. The laws we are debating today are extraordinary, both in the powers they infer and the story of how they came to be before us. These laws were enacted in 2003 as Australians faced a very different world after 9/11 and the Bali bombings. The parliament sanctioned these laws because they thought them necessary to combat the threat of terrorism on our shores.

The powers allow ASIO to question or to question and detain individuals for the purpose of obtaining intelligence in relation to terrorist activities. With the consent of the Attorney-General, ASIO could request either a questioning warrant or a questioning and detention warrant from an issuing authority. A questioning warrant requires a person to appear before ASIO at a particular time and place for questioning in relation to a relevant terrorism offence. Questioning may occur for up to 24 hours, or 48 hours if using an interpreter. That pales in comparison to the questioning and detention warrant. Under that power, a person can be taken into custody and detained for the purpose of questioning for up to seven days. Under both the questioning warrant and questioning and detention warrant a person享受s no privilege against self-incrimination and must not fail to give any information requested under the warrant or face up to five years in prison. A person does not have to be suspected of any wrongdoing. Rather, there must only be reasonable grounds for believing that issuing the warrant will substantially assist in the collection of intelligence—that is important in relation to a terrorism offence. Among other things, the person may be required to surrender travel documents, be subjected to strip searches and be prosecuted and imprisoned for up to five years for even disclosing the existence of the warrant itself.

These powers are clearly extraordinary—in fact, the then Attorney-General described them as such—but they were indeed for extraordinary times. Thankfully, ASIO and successive Attorneys-General have been very responsible in their use of these powers. The questioning power has been used sparingly. As at March 2018, it had been used only once since 2006 and not at all since 2010. Meanwhile, the questioning and detention power has never been used—never, not once.

Noting the extreme nature of these powers, the politicians who introduced them rightly included a sunsetting clause that would allow the parliament to consider the ongoing need for these laws as the environment changed. Now, more than 16 years after they were first introduced, we are debating whether we should extend the sunsetting provision. That is deeply disturbing on two levels. The terrorist threat in Australia has been elevated...
since September 2014, with our official national terrorism threat advisory set at 'probable'. As the Australian government notes, this means there is credible intelligence assessed by our security agencies that indicates individuals or groups continue to possess the intent and capability to conduct a terrorist attack in Australia. Australia and Australians continue to be viewed as legitimate targets by those who wish to do us harm and believe they have an ideological justification to conduct attacks. In the face of this threat, you would expect that this Liberal-National government would be leading the way on strengthening our defences and ensuring our national security. After all, the Minister for Home Affairs has told us that his responsibility as the home affairs minister is to do 'all that I can to keep Australians safe'. But the Australian people are fast getting used to Minister Dutton letting them down.

Mr Dutton's tenure as home affairs minister will be defined by the things he failed to do. He's failed to protect our borders. The 80,000 people who have been trafficked through our airports and exploited by criminal syndicates since 2014 are a testament to this neglect. Mr Dutton's own assistant minister, the member for Latrobe, said:

Organised crime and illegitimate labour hire companies are using this loophole to bring out illegal workers who are often vulnerable and open to exploitation. This represents an orchestrated scam that enables these criminal elements to exploit foreign workers in Australia until their claims are finalised.

Yet this government does nothing. In fact, they can't even get their story straight. Senator Reynolds told the Senate last week that this really wasn't an issue. She said, 'As the numbers increase, of course we will get an increase on all sorts of categories of people arriving …' She backed that up by saying, 'Between 1 January and 31 May 2019, there was a 20 per cent decrease in the number of protection visa applications lodged across all nationalities. These declining figures are noteworthy. The minister doesn't even know if the numbers are going up or down; she's contradicted herself in one answer to the Senate.

Minister Dutton has clearly failed to explain to his colleagues the severity of the situation or even its existence at all. He's also failed to provide medical care for people in his custody on Manus and Nauru and failed to show a modicum of human decency when the parliament decided to offer them the help he wouldn't. He sustained efforts to stop sick people from seeing doctors, and that will place him on the wrong side of history. He's failed to properly support his own department; Mr Dutton allowed over $300 million worth of cuts to the Home Affairs operating budget. Our ABF patrol boats are supposed to protect our territorial waters but they ended up stuck, relying on fuel rations because Mr Dutton took the razor to the department's funding. We've had boat arrivals come with him in charge.

The first boat to arrive on our shores in years occurred the very week that Mr Dutton challenged then Prime Minister Turnbull for his job—talk about taking your eye off the ball! Just last week we learned of the 40 so-called jihadis who were able to return to Australia unmanaged because Minister Dutton failed for four years to introduce a temporary exclusion order scheme to control the return of foreign fighters. The UK brought in such a scheme in 2015. Which brings us to today, where yet again we're talking about another piece of critical national security legislation that Minister Dutton has done nothing about. Even though Minister Dutton lamented in 2017 that 'Too often governments are forced to act in the midst of a crisis or its immediate aftermath,' he has shown zero capacity to take a proactive approach to national security and modernise these laws before we are in the midst of that exact crisis again.

We need reform now and the opposition is not alone in holding this view. Over the past three years, ASIO itself, three independent national security legislation monitors and the Parliamentary Joint Committee on Intelligence and Security, which has a Liberal-dominated membership, have all said these powers are in need of reform. This call for reform should not be surprising. After all, the questioning and detention warrant power has never been used. It has played no role in keeping Australians safe. Review after review has found that laws like this have no place in a modern liberal democracy like Australia.

In 2016, the honourable Roger Gyles AO QC, appointed by Tony Abbott as the independent national security legislation monitor, concluded that no case could be made for the questioning and detention warrant power and described it as 'odious'. The previous independent national security legislation monitor, Brett Walker SC, and the current monitor, James Renwick QC, also agreed that the laws should be repealed. A unanimous bipartisan report by the Andrew Hastie led Parliamentary Joint Committee on Intelligence and Security recommended that the power be repealed and that the government ensure appropriate amendments made to the questioning power. This was a position supported by ASIO itself when the Parliamentary Joint Committee on Intelligence and Security was told by ASIO that it supported the repeal of the questioning and detention power—again, a power that has never been used. ASIO said it needed significant reforms to the questioning warrant power to provide it with the tools it needs to keep Australia safe. ASIO has requested amendments that would enable the questioning power to
be used for purposes beyond intelligence gathering in the specific context of counterterrorism, such as in instances of espionage and foreign interference matters.

We have a great deal of unanimity here. Three independent national security legislation monitors, the bipartisan intelligence and security committee of the parliament, and ASIO itself have all said that we must change these laws. They have requested those changes because they want to keep Australians safe. The PJCIS specifically requested that the powers be fixed by no later than 7 September 2019. Now, with that deadline looming, what has been the response from the home affairs minister to this request? His response has been nothing. He has not done anything to reform these laws to give ASIO the powers they want and need.

This is simply not good enough; in fact, it's incompetent. The coalition are once again seeking an extension of these powers, despite having been in government since 2013. The time line the minister has worked to could only be described as glacial. One thousand days ago the Tony Abbott-appointed independent national security legislation monitor said that change was needed. 800 days ago the Parliamentary Joint Committee on Intelligence and Security commenced their work, with the member for Canning clearly making the case that the powers deserved close scrutiny. 430 days ago the Parliamentary Joint Committee on Intelligence and Security delivered their carefully considered bipartisan report, which concluded that reform was desperately needed. The committee generously provided the government with more than a year to introduce legislation into this parliament to fix this issue.

What the parliament gets today with this bill is an IOU on our national security legislation. Make no mistake: the opposition understands that getting national security legislation right is hard and complex work. But, with some 17,000 employees and more than a thousand days notice, it beggars belief that the Minister for Home Affairs still needs another 365 days to get this legislation right. I note that the minister said in his second reading speech that 'this government is unwavering in its commitment to ensure Australia's counter-terrorism and national security framework continues to be as robust and responsible as possible.' I wonder how many ASIO officials, independent national security legislation monitors or members of the PJCIS would be willing to describe Minister Dutton's efforts as 'robust and responsive' today?

Actions speak louder than words. It is clear that, despite the bluster, Minister Dutton is simply not up to the job of managing our national security. Rather than following the will of the national security community, Minister Dutton has missed another deadline, one that could have serious consequences for the safety of our community. It would be shocking if it hadn't become so commonplace. An inability to complete the core responsibilities of his role has become the defining trait of Mr Dutton's time in the Home Affairs portfolio. As a result of either his own incompetence, his contempt for this parliament and our foundation on democratic principles, or both, the Minister for Home Affairs and his Prime Minister have unconscionably sought to place the parliament of Australia in a very difficult position. The parliament must now choose between rejecting the bill, thereby leaving ASIO without any questioning power at all for however long it takes government to get its act together; or agreeing to the bill and, in so doing, leaving an extraordinary, odious and totally unnecessary power on the books for another year.

Labor will not help the government cover up for Minister Dutton's incompetence; but nor will we allow ASIO and the Australian people to bear the consequences of the government's apathy and laziness. Minister Dutton and the Prime Minister like to frame issues of national security as if they're some sort of test for Labor. The only test for national security legislation—for this legislation—in this place should be the national interest.

This bill today is a report card on the government's ability to keep Australians safe, and there is a huge fail next to the names of Minister Dutton and the Prime Minister. They have failed this test of the national interest. That is why we are proposing to amend the bill to extend the sunset date on the questioning power—a power ASIO has used before and for which there is a continuing need—by three months. This will give Mr Dutton and his department 90 more days on top of the thousand days they have already had to propose a revised questioning framework, which is simply the thing requested of them by our national security agencies so they can do their job. Our amendment will also repeal, to use Roger Giles' phrase, the odious questioning and detention power—a power which has never been used and which no-one can justify why it should remain in Australian law.

Both the Labor Party and the coalition have a long tradition of working together to ensure Australia's national security legislation is fit for purpose and has the right safeguards in place. By effectively rejecting the PJCIS's recommendations with a wave of the hand, this bill constitutes a serious breach of the bipartisan working arrangement between the government and the Labor Party, which has been premised on an understanding that the recommendations of the Parliamentary Joint Committee on Intelligence and Security are to be respected and implemented. This is becoming a worrying trend. We call on the Prime Minister to exercise his authority by making clear to his home affairs minister that he has to lift his game and to recommit his government to working with the parliament to ensure that Australia's national security legislation is working.
Make no mistake: even ASIO does not want the home affairs minister to retain the questioning and detention powers on the books. These powers—the questioning and detention warrant and the questioning warrant—are two incredibly blunt instruments that exist beyond the realms of what we expect in a modern democracy, and they are simply not fit to task to protect Australians against modern and emerging threats. What ASIO actually wants is reform: powers that are shallower but wider, powers which better reflect the nature of our current climate and the unique challenges posed within it. Because of the complete and utter apathy of the home affairs minister, ASIO won't get that today. Frankly, to borrow a phrase, expecting minister Dutton to fix this legislation by 2020 would be the ultimate triumph of hope over experience.

And so this parliament is caught between a rock and a hard place. This bill has some elements that are necessary and some that are not. That's not just our view; it's the same view that's been held by experts. We move amendments to this bill because the home affairs minister is asleep behind the wheel of national security and we cannot rely on him or this government to do the right thing. ASIO cannot wait any longer. Time is up. I cannot imagine the disappointment some must feel within our national security agencies when they see the issues Mr Dutton is choosing to spend his time and effort on. He isn't prioritising the powers that our agencies need and he's certainly not prioritising ordinary Australians and their safety.

I call on the crossbench and those opposite to support this amendment today. The amendment does three things. It takes away an odious power. It forces the government to provide ASIO with the powers that they actually want and need. And it serves as a reminder to Minister Dutton he cannot keep ignoring the fundamental responsibilities of his job. We cannot keep kicking the can along the road out of deference to a minister who has shown no appetite to help our national security agencies keep Australians safe.

Senator McKIM (Tasmania) (10:34): The Greens have opposed this draconian legislation since its introduction in 2003. It was an unjustifiable and unnecessary overreach then and it's an unjustifiable and unnecessary overreach today, and that's why we'll continue to oppose this legislation.

This bill we're debating today, the Australian Security Intelligence Organisation Amendment (Sunsetting of Special Powers Relating to Terrorism Offences) Bill 2019, will extend the operation of special powers relating to suspected terrorism offences in division 3, part III, of the Australian Security Intelligence Organisation Act 1979, the ASIO Act, to 7 September 2020. The Gilbert + Tobin Centre of Public Law is just one of many expert legal stakeholders that have argued that the Australian Security Intelligence Legislation Amendment (Terrorism) Act 2003 was the most controversial piece of antiterrorism legislation passed by the Commonwealth parliament. Whether or not that remains the case today, with so many bills that deny fundamental human rights having been passed by the parliament since then, I'm not too sure, but it is still a very bad piece of legislation. In a 2016 report to parliament by the Independent National Security Legislation Monitor, the Hon. Roger Gyles AO, QC found the measures:

... are not proportionate to the threat of terrorism and are not necessary to carry out Australia's counter-terrorism and international security obligations.

This echoes concerns raised by the Public Interest Advocacy Centre in 2005, which also considered the powers inappropriately vested in ASIO, which is, of course, an inherently secretive organisation. Both reports recommended repealing these powers.

Before I go on to speak about the legislation itself, it's worth noting that if Australia had a strong charter of rights or bill of rights or human rights act this legislation could not exist. That's why similar legislation does not exist in our Five Eyes partners: the United Kingdom, the United States, Canada and New Zealand. None of those countries have legislation that is even broadly similar to this legislation, because, with their constitutional and legislated rights, this legislation simply could not exist in those countries. This is one of the many reasons why Australia needs its own charter of rights. Not only are we the only member of the Five Eyes countries without enforceable human rights protections at the federal level, we are also the only liberal democracy in the world without a human rights act or charter of rights.

This bill would continue in legislation a system of warrants that permits the Australian Security Intelligence Organisation to question and detain nonsuspects for the purposes of gathering intelligence about terrorism offences. This is a system that provides for the issuing of questioning warrants and questioning and detention warrants in relation to—and these can be pretty tenuous relationships—suspected terrorism offences where other means of collecting the relevant intelligence may not be effective. It is unique in liberal democracies around the world because it establishes a system, known as the special powers regime, that allows a national security agency to coercively question and detain a non-suspect citizen.

The main difference between a questioning warrant and a questioning and detention warrant is that a person issued with a questioning and detention warrant is able to be taken into custody, while a person issued with a
questioning warrant is not. Where a questioning warrant can be immediate or after notification, a questioning and detention warrant is immediate. So, under a questioning and detention warrant, someone can basically be taken off the street without warning, held and interrogated without being a suspect in any crime. With a questioning and detention warrant, a non-suspect citizen as young as 16—so we are talking about children here—can be detained for an investigation period of 24 hours followed by seven days of detention for questioning. That is a total of up to nine days in detention without charge, even if they're not suspected of committing any crime themselves.

The reach of this legislation is not limited to people suspected of being involved in committing or planning to commit a terrorist offence. Under this legislation, a person who's not suspected of being involved in any way in a terrorism offence—that is, a non-suspect—can be detained for longer than someone who actually is suspected of terrorist activities and is held for questioning by the Australian Federal Police under the Crimes Act 1914.

Then there are the criteria for both the questioning warrants and the questioning and detention warrants. Applications for questioning warrants and questioning and detention warrants are drafted by the director-general of ASIO and, if given consent by the Attorney-General, the application is then made to an issuing authority. Unlike the Attorney-General, who must be satisfied of five criteria, the issuing authority need only be satisfied of two criteria; whereas the criteria the Attorney-General must consider include the non-suspect's access to legal representation, reasonable grounds for questioning and detention, and consideration of alternative methods of collecting the intelligence. The only two criteria the issuing authority must be satisfied of are that the application is in the proper form and the Attorney-General's consent was properly obtained and that there are reasonable grounds for believing that the warrant may substantially assist the collection of intelligence that is important in relation to a terrorist offence.

As Burton, McGarrity and Williams argued in a 2012 paper published in the Melbourne University Law Review, the first criteria for the issuing authority does not require or allow a re-examination of the Attorney-General’s decision that there were, or were not, other methods of intelligence gathering available, with the second criterion setting an unjustly low threshold for the issuing of a warrant because:

First, 'intelligence' is not defined in, or otherwise limited by, the legislation. Secondly, the collection of intelligence must only be 'important' (not 'necessary'). Thirdly, the person subject to the warrant need not actually possess any intelligence. Rather, it need only be believed that issuing the warrant will substantially assist the collection of intelligence: for example, the person may be able to point ASIO in the direction of someone who might possess such intelligence. Fourthly, 'in relation to' goes significantly beyond what might be regarded as the main aims of the Special Powers Regime, being to either prevent terrorist acts or enable the prosecution of terrorism offences. … Finally, the criterion adopts a generalised approach. It does not distinguish between: past, present or future offences; offences that are likely or unlikely to occur; and serious or relatively minor offences.

The combination of those five extremely low bars means that a non-suspect may be subjected to coercive questioning without any suspicion of wrongdoing on his or her part. Compounding these risks to fundamental human rights, the special powers regime also lacks adequate protection against self-incrimination, lacks appropriate access to legal advisers and lacks effective reviews and remedies—again, for Australian citizens, including in some cases children as young as 16 who are not suspected of committing any crime.

Our country's very quick to call out human rights abuses by foreign nations, as we've rightfully condemned the arrest and detention by China of Australian citizen Dr Yang Hengjun for his political views, yet this legislation we're looking to extend today is the kind of flat-out abuse of human rights that we're very quick to criticise other countries of but are ourselves very poor at delivering. There are many other examples I could go to, including the rampant abuse of human rights of refugees and people seeking asylum who've been detained on Manus Island and Nauru for over six years now.

As I said earlier, this legislation was overreach from the day it was drafted, which was just after the Bali bombings in 2002. Those bombings were a despicable and horrific event, but you don't save Australians by stamping out the Australian way of life and by trading away our freedoms that so many who came before us have fought and died to protect. But even legislators at that time must have been worried that this was an overreach because, of course, the initial legislation contained a sunset clause that would have seen these draconian new powers expire after just three years. History shows you that rights, once taken away, are very difficult to get back, and in 2006 the parliament renewed these powers and added a new 10-year sunset clause. Then, in 2016, the sunset clause was extended again, and again in 2018, and now here we go again.

It's worth pointing out that powers like these, once granted, tend to be abused. I'll just give one very quick example of the metadata retention laws that were passed by this parliament a few years ago. The government at the time argued that they were necessary to ensure the safety of Australians and the counterterrorism activities of the government. What do we find now? Those very laws have been used by local councils to bust people for having unregistered pets. I mean, seriously? If you want to talk about bracket creep, it's one of the biggest bracket
creeps you'll ever want to see: counterterrorism laws used by local governments to prosecute people for having unregistered pets. Give us a break, please!

In 2016, with the second sunset clause almost expired, the Independent National Security Legislation Monitor reviewed the legislation and recommended that subdivision C of division 3 of part III of the ASIO Act relating to questioning and detention warrants should be repealed or cease when the sunset date was reached, that successive extensions of the sunset dates since 2006 should end and that the balance of division 3 of part III of the ASIO Act should either be repealed or not extended beyond the present sunset date. These powers should never have been created in the first place, but, considering they were, we totally agree with the view expressed in 2016 by the Independent National Security Legislation Monitor.

In 2018, the Parliamentary Joint Committee on Intelligence and Security also recommended the questioning and detention warrants be abolished. That same year the Parliamentary Joint Committee on Human Rights found questioning warrants and questioning and detention warrants were likely to be incompatible with human rights. As I said earlier, here we go again: a government ready and willing to trample all over these fundamental human rights once more.

As was argued in 2003, when these powers were first debated, these provisions potentially allow for the mistreatment of ethnic minorities in Australia, the suppression of dissent and the detaining and investigation of wholly innocent Australians.

An ideological struggle in favour of democracy and freedom cannot be won by giving up democratic values, freedom and respect for civil liberties.

Who argued that in 2003? Who have I just quoted from? The now Leader of the Opposition, Mr Anthony Albanese. I'm going to repeat the last bit that Mr Albanese said back in the day:

An ideological struggle in favour of democracy and freedom cannot be won by giving up democratic values, freedom and respect for civil liberties.

The Australian Greens couldn't agree more with Mr Albanese's position back in 2003, but I suspect we're about to fundamentally disagree with the position that the Australian Labor Party will today take on this legislation, because even though they're going to move amendments, which by the way the Australian Greens will be supporting, I predict that they will collapse in a screaming heap and vote in support of the government, when their amendments inevitably fail, in order to pass this legislation.

We do need to end the unquestioning bipartisanship on so-called national security issues. It is that bipartisan approach that has been part of ensuring that over 200 pieces of legislation have passed through state, territory and Commonwealth parliaments in the last two decades that erode fundamental rights and freedoms in this country. We need to break down the closed doors of the Parliamentary Joint Committee on Intelligence and Security and ensure that the crossbench has membership of that committee.

It's also time for a new national security white paper so that we can have an informed debate as a country about the appropriate balance between keeping people safe in Australia and protecting our rights, freedoms and liberties. We should also properly fund the Independent National Security Legislation Monitor so that it can examine and report on new legislation in a timely way. By the words 'in a timely way', I mean before it's actually debated by this parliament so the debate and the decision-making of this parliament can be informed by the views of the Independent National Security Legislation Monitor.

We should also break up the Department of Home Affairs, which has led to an unprecedented consolidation of power under Minister Dutton, who has continually shown a disregard for the rule of law and a propensity to rampantly abuse human rights. We need to also strengthen protections for public interest whistleblowers. Since Australia remains the only liberal democracy in the world without a charter or bill of rights, we should of course enshrine our fundamental freedoms in law as a first step to where we should be ultimately aiming to get, which is an enshrining of rights and freedoms in our Constitution.

So, I say to senators today: please don't support this legislation. It's another step in the slow zombie shuffle that bipartisanism on national security has taken down the road to a surveillance state and a police state in this country. These are extremely dangerous powers. They should never have been created. But, given that we are where we are today, this bill should not pass, these powers should sunset and the Australian people should get back some of the rights and freedoms that this series of legislative amendments has removed from them.

**Senator McALLISTER** (New South Wales) (10:50): In the aftermath of September 11 this parliament voted to give ASIO a range of extraordinary powers in response to extraordinary times. Since then, the two powers that are the subject of the Australian Security Intelligence Organisation Amendment (Sunsetting of Special Powers Relating to Terrorism Offences) Bill 2019 have remained largely unused. The questioning power has not been
used since 2010 and had been used only once before then. The questioning and detention power has never been used.

There is overwhelming consensus that reform is needed. In 2012 the then Independent National Security Legislation Monitor, Mr Bret Walker, recommended that the questioning and detention power be repealed and the questioning power be amended. In 2016 the next Independent National Security Legislation Monitor, the Hon. Roger Gyles, said the same thing. Recently, the current Independent National Security Legislation Monitor, Dr James Renwick, told the Parliamentary Joint Committee on Intelligence and Security that he agreed with his predecessors.

They are not alone. ASIO has said that it also supports the repeal of the questioning and detention power and called for amendments to the questioning power. The government-controlled PJCIS, chaired by Mr Hastie in the other place and of which I was and remain a member, recommended in March last year that the questioning and detention power be repealed and that the government develop legislation for a reformed questioning power by the end of 2018. They have not done this. Instead, they fronted up to parliament and requested a further 12-month extension of the sunsetting provisions.

Let's be clear about what it represents. The government has failed to meet its own timetable to provide ASIO with the powers they have requested. This government seems to care more about briefing the media about national security than about doing the homework to keep Australians safe. Responsibility for this rests with the Minister for Home Affairs, Mr Dutton. This legislation gives the government another 12 months to try to do what they should have done years ago: remove a power that is not needed and reform a power that is. They should use the time wisely.

**Senator PATRICK** (South Australia) (10:52): The Australian Security Intelligence Organisation Amendment (Sunsetting of Special Powers Relating to Terrorism Offences) Bill 2019 amends the Australian Security Intelligence Organisation Act to extend the operation of ASIO's questioning and questioning and detention powers in division 3 of part III of the ASIO Act for a further 12 months. At the outset, I will say that Centre Alliance supports the clear and bipartisan recommendations of the Parliamentary Joint Committee on Intelligence and Security and successive Independent National Security Legislation Monitors that ASIO's current detention powers should be repealed.

Subdivision B of division 3 of the ASIO Act sets out the process by which ASIO can obtain a questioning warrant. A questioning warrant requires a specified person to appear before a prescribed authority for questioning under the warrant immediately after the person is notified of the issue of the warrant or at a time specified in the warrant. Subdivision C of division 3 sets out the process by which ASIO can obtain a questioning and detention warrant. This warrant authorises a person to be taken into custody immediately by a police officer and be brought before a prescribed authority immediately for questioning under the warrant for a period of time specified in subsection 34G(4).

These questioning and detention powers—ASIO's so-called special powers—have been the subject of much discussion and debate in the parliament on and off for about 17 years. The very fact that we are debating this bill today shows just how hard it is to wind back any national security powers that have been granted by the parliament to the executive. Even when successive independent reviews have recommended that those powers be revoked, we still see no action.

No-one should doubt the extraordinary powers that are under consideration today. They might have been on the statute books for more than 16 years, but they are still extraordinary and an affront to the principles once thought to be sacrosanct. ASIO's questioning and detention powers establishes a regime in which Australian citizens who are not subject to any charge can be effectively arrested and subjected to compulsory questioning without the right of silence, while being held in incommunicado detention. That's what is involved here: arrest and detention without charge and interrogation without the right to silence.

When the Attorney-General, Daryl Williams, introduced the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002 in March 2002, he described these powers as extraordinary and a measure of last resort in dealing with terrorist threats. More recently in his 2016 review of ASIO's detention powers, the Independent National Security Legislation Monitor, Roger Gyles QC, observed:

A warrant enabling a person to be 'detained in custody, virtually incommunicado without even being accused of involvement in terrorist activity, on grounds which are kept secret and without effective opportunity to challenge the basis of his or her detention', ... is an extraordinary power. Further, the decision on whether the grounds to make a QDW [questioning and detention warrant] application rather than a QW [questioning warrant] application lies with a member of the executive. No precedent in any comparable country has been identified.
Professor George Williams of the University of New South Wales has supported this observation, submitting to the Parliamentary Joint Committee on Intelligence and Security:

… there is no other comparable nation in the world that gives a coercive questioning power, let alone a detention power, to an intelligence agency of this kind.

Professor Williams suggested that other Western nations have taken the view that compulsory questioning powers are best left to law enforcement agencies, which operate in more open and accountable ways than the secret intelligence and security agencies. He observed:

The simple reason for that is that it is thought that these [intelligence] agencies must operate with a level of secrecy. They cannot have the same level of public accountability and transparency that other bodies have. As a result, that means that extreme caution must be given as to the form of coercive powers that are issued. In this case, the decision has been given to give it a coercive questioning power that takes it beyond those other agencies.

Even with extensive safeguards, the powers provided to ASIO by this parliament in 2003 offend many legal and human rights principles.

Fortunately, these very powers have seen used sparingly. According to the 2018 Parliamentary Joint Committee on Intelligence and Security report on ASIO's questioning and detention powers, between the introduction of the powers in July 2003 and May 2018, ASIO requested and was issued with 16 questioning warrants in relation to 15 persons. In the same period, ASIO did not request, nor was issued, a questioning and detention warrant. ASIO's most recent annual report indicates no questioning warrants and no questioning and detention warrants were issued in 2017-18. There are no reports that these powers have been used in the past year.

The original legislation establishing the regime for ASIO to exercise its questioning and detention powers was the subject of three parliamentary inquiries and lengthy parliamentary debate and amendments before the passage of the bill in June 2003. At the time, the questioning and detention powers were legislated to sunset on 23 July 2006. Since that time, the sunset clause has been repeatedly amended, most recently by the Counter-Terrorism Legislation Amendment Bill (No. 1) 2018, which commenced on 25 August 2018. That bill extended the sunset date for 12 months until September 2019.

Today, in the bill before the Senate, we have the government seeking a further 12-month extension. After this week the parliament will not sit again until 9 September, two days after the current sunset clause comes into effect, so the Senate must come to a decision one way or another this week. However, this can't be a rubber stamp exercise. We would fail in our duty if we did not give careful consideration to the success of reviews that have questioned the appropriateness of the questioning and detention regime and have recommended for its repeal.

In 2005 the Parliamentary Joint Committee on ASIO, ASIS and DSD—the forerunner to the PJCIS—observed that the powers, ‘…should not be permanent and should be scrutinised as thoroughly as possible'.

Much of the subsequent scrutiny of ASIO's special powers has been undertaken by successive holders of the office of the Independent National Security Legislation Monitor, a post established by parliament to carefully examine our national security laws with regard to human rights principles, proportionality and unintended consequences.

In 2012 then INSLM, Brett Walker SC, conducted a thorough review of the questioning and detention powers. While Walker found that the questioning warrants were sufficiently effective to be appropriate, and in a relevant sense necessary, he held that questioning and detention warrants were an unnecessary extension of ASIO's powers and they were not a justifiable intrusion on personal liberty. Walker recommended that questioning and detention warrant provisions of the ASIO Act be repealed. He further recommended that questioning warrant provisions be amended to permit arrest of a person subject to a warrant if the police officer serving the warrant believed on reasonable grounds that there was a serious possibility that the person did not intend to comply with the warrant or that there were unacceptable risks of the person tipping off another involved in terrorism, failing to attend or destroying or tampering with evidence. These recommendations were not implemented.

In 2016 Walker's successor as INSLM, Roger Gyles QC, conducted a further review. Gyles accepted that a compulsory questioning power to gather intelligence was a useful tool for ASIO's counterterrorism work. However, he recommended that the questioning and deterrent warrants provisions be repealed or cease when the sunset clause date, 7 September 2018, was reached. Gyles observed that questioning and detention warrants:

… are not proportionate to the threat of terrorism and are not necessary to carry out Australia's counter-terrorism and international security obligations. It is time to accept that the capacity to secretly and immediately detain persons whether or not they are implicated in terrorism is a step too far.

The current INSLM, Dr James Renwick SC, has indicated that his predecessor's report and recommendations stand as the view of his office.
In its report last year, 2018, the Parliamentary Joint Committee on Intelligence and Security noted ASIO’s assessment that Australia continues to face a significant threat from terrorism. In that context, the PJCIS took the view that ASIO should continue to have compulsory questioning powers. However, the committee was equally clear in expressing a negative view about ASIO’s detention powers. The committee highlighted the extraordinary nature of the questioning and detention warrant regime in allowing ASIO to detain persons incommunicado, including those not suspected of involvement in terrorism offences.

In its submission and evidence to the PJCIS, ASIO requested the retention of the detention power but did not argue to keep the questioning and detention warrant regime in its current format. In the event that the current detention regime is repealed or lapsed, ASIO advised that it desires a similar ability to pre-emptively detain a person in order to ensure a person appears for questioning, is prevented from alerting others as to ASIO’s inquiries and is prevented from destroying relevant material. It should be noted ASIO is still arguing for a power to detain persons incommunicado and without charge even though they haven’t used the existing power.

After lengthy and careful consideration, the PJCIS recommended that ASIO’s current detention powers, as set out in division 2 of part 3 of the ASIO Act, be repealed. The committee further recommended the government develop legislation for a reformed ASIO compulsory questioning framework. The committee recommended that the proposed legislation be introduced by the end of 2018 and that the committee be asked to report to the parliament no sooner than three months following its introduction. The committee considered that any proposed legislation should again include an appropriate sunset clause. Following the PJCIS’s report, the sunset clause was extended for another year, but 2018 went by without any proposals forthcoming from the government. Despite the successive reviews by the INSLM and the PJCIS, no new legislative proposals have been introduced to the parliament.

Clearly, this is not been a priority for the Minister for Home Affairs, Minister Dutton. In response to the PJCIS report in April this year and, specifically, the recommendations that the detention regime be repealed, the government merely said:

The government will consider options for a reformed ASIO compulsory questioning framework.

The government further said:

The Government will work to introduce legislation to implement a reformed ASIO compulsory questioning framework in 2019.

Well, it’s already the beginning of August, and there’s been nothing forthcoming. The proposed extension of the sunset clause to September reflects the reality that the government is unlikely to progress reforms of the questioning warrant regime in 2019. There are only seven sitting weeks left for both houses of parliament this year. Further delay may arise from the government’s consideration and implementation of any recommendations from the review of intelligence and national security legislation being undertaken by former defence secretary and former ASIO director-general Dennis Richardson. By failing to produce a substantive response to the PJCIS report, Home Affairs Minister Dutton has presented the parliament with a fait accompli, something that appears to be his preferred modus operandi.

It is far from clear that ASIO and the government are actually prepared to relinquish the detention warrant regime. They have given no commitment or undertaking at all in that regard. Indeed, ASIO have argued for a continuing detention regime, and, in evidence to the PJCIS, they constructed scenarios in which they contemplated using a questioning and detention power, including in relation to persons of security interest who might return to Australia through a return permit under the new temporary exclusion order scheme. The proposed further 12-month extension could be little more than an effort to keep the issue in a holding pattern while the government works on proposals that will, in effect, reject—I repeat, reject—the recommendations of the INSLM and the bipartisan PJCIS. After all, it’s now clear the government has little regard for bipartisanship on national security issues and little regard for the role of parliament in overseeing this vital area of public policy and administration.

Centre Alliance believe that, one way or another, the government should put its cards on the table; at least then we can see its intent and proposals. Parliament can then consider a reformed questioning warrant regime. Accordingly, Centre Alliance is prepared to support the Labor opposition amendment that provides that the provisions for questioning and detention warrants will lapse on 7 September. This is appropriate, given the advice of three Independent National Security Legislation Monitors and the PJCIS. Labor’s amendment further provides for an extension of the three months only to 7 December 2019 for the questioning warrant powers. The government has already had ample time to develop legislation to provide for a reformed questioning warrants regime. Three months should suffice for the PJCIS to review those proposals and for the parliament to consider the legislation before the end of the year. Of course, we’ll be interested to see the government’s response to Labor’s
amendment, and, indeed, Labor's response in the event that their amendment does not pass the Senate or else is rejected by the government in the House of Representatives.

Let me describe what's happening here with all of this national security legislation, and I'll put it in really simple terms. Senator McKim was wrong when he said that Peter Dutton was asleep at the wheel; he's actually running on adrenaline. It's like he's in the big red security car, driving down the road, swaying from side to side, oblivious to the collateral damage, not looking in the rear-vision mirror, and he's got Labor senators sitting in the car saying, 'No, we're going the wrong way; there's a better way to do this.' But in the end they get to the finish line and Labor cheers and carries on about getting across the line, and then, despite being frustrated with Minister Dutton and his big red car, they jump back in for the next ride when the next piece of national security legislation comes up. That's what's happening here, in simple terms.

If parliament does pass this bill as it stands and gives Minister Dutton another 12-month free pass, I can put on the table now and inform the parliament that Centre Alliance will not support any further extensions of the sunset clause in the life of this parliament. It is an old but vital legal maxim that there should be no detention without charge. One way or another, this quite disproportionate power will have to be brought to an end. The sooner that happens, the better for democracy.

Senator ROBERTS (Queensland) (11:11): I rise to speak in support of the Australian Security Intelligence Organisation Amendment (Sunsetting of Special Powers Relating to Terrorism Offences) Bill 2019. Government has three key roles: protecting life, protecting property and protecting freedom. As servants to the people of Queensland and Australia, we will make sure that those roles are fulfilled. The government seeks to extend, in this bill, the provision for 12 months, already in place, to be able to detain and interview people. The underlying position is to keep our people safe. As servants to the people of Queensland and Australia, we need to keep people safe.

The people that we and the government want to protect us from are extremists, including extremist Islamists, who do not have respect for life; they are barbarians. The bill aims to protect the security of Australian citizens, because there is primacy in border security. Border security is one of the most fundamental responsibilities of a federal government. Australia had tight borders, thanks to Senator Hanson's strong position on border protection, back in the nineties. She forced the Howard government to listen to the will of the people, and the Howard Liberal government stood up. Then Labor Prime Minister Kevin Rudd weakened border security, and that led to the deaths of over a thousand illegal boat people, including innocent women and children.

In 2016 Senator Hanson and I were given a presentation by Mr Dutton's office on what had been accomplished under the Abbott government's border protection measures. And it was truly amazing. We saw that the number of boats had plummeted to zero and, as importantly, the number of genuine refugees had increased. Instead of illegal immigrants taking the place of genuine humanitarian refugees, we had the opportunity to bring in genuine humanitarian refugees.

Here are some statistics that show that terrorism is a clear and real threat to Australians and their way of life. Since 2001 there have been 73 Australians convicted of terrorism related offences; 50 are currently in jail. About 100 Australian terrorists have died in the Middle East, fighting for ISIS. They're not our friends; they're our enemies. They're the enemies of freedom, the enemies of civilisation. We've had seven terrorist attacks in this country and at least 16 major counterterrorism disruption operations in response to the planning of potential attacks in our country—16 plus seven. The figures are terrifying in light of the thousands of deaths of Australians that could have occurred. One of the scariest statistics is that our national terrorism threat level is at 'probable'. Probable—a major terrorism attack in this country.

I want to honour, on behalf of One Nation and the people of Queensland, the fine, vigilant people in our border security and counterterrorism forces. But they need all the help they can get. They need that help to get access to some of the potential threats. Indeed, we in parliament, including Senator Keneally, are protected daily in this building and elsewhere by people such as our security forces in this country. Not just the people we see, not just the people carrying guns, not just the people who are willing to put their life on the line, but the people behind the scenes and in the back rooms, doing counter-terrorism operations.

I want to diverge slightly and come back to this point. In the days when it stood for Australia, the Labor Party was strong, very strong, on border protection. Ever since it started mimicking the leftovers known as the Greens, it has become a Clayton's Labor Party. As the UN's useful idiots, the leftovers known as the Greens want to end Australian sovereignty. That is a goal that involves ending border security, as is already seen in the European Union—which is not really a union—where sensible leaders of free nations are now standing up across the European continent and rejecting the European Union's commissars, or, indeed, leaving the European Union. So I now want to put some of Labor's actions in perspective. Labor's constitution has long stated:
The Australian Labor Party is a democratic socialist party and has the objective of the democratic socialisation of industry, production, distribution and exchange, to the extent necessary to eliminate exploitation and other anti-social features in these fields.

It sounds admirable. But I detest socialism, because it has had a zero success rate for almost 150 years. Yet I still honour the legacy of the original Labor Party, members who were genuinely doing what they thought best in the interests of our country—deluded, maybe, but noble in intent. They had many achievements driven with that intent to look after our country and to maintain our sovereignty and to provide governance. I think of the Snowy Mountains scheme. I think of the fairness that the Labor Party—the old Labor Party—brought in. But today's Labor is a far cry from the noble Labor of old. Today's Labor is opportunistic, dishonest and deceitful. And, while there are honourable Labor senators in this place, the fact is that the party is under the rule of powerful backroom party powerbrokers whose goals are personal power and control.

Socialism extends to control. It always leads to control—always. And we can see it in the Labor Party, and we can see it in the Greens. Do I need to remind anyone of Hitler, Stalin and Mao? And now we see Senator Keneally emulating these control freaks, these mass murderers, and wanting to ban a Muslim who speaks against radical Islam. She wants to stop the CPAC conference about to be held in Sydney next week. It's a festival of freedom, but the Labor Party wants to ban it. I understand that, reportedly, the Labor Party has called on the Morrison government to deny Mr Kassam a visa after he called the Koran "fundamentally evil". Should we ban Labor conferences because their platform says they are still socialist? Should union meetings be banned because they're filled with old time communists? We say no. We say let the union meetings continue. We say let Labor Party conferences continue. Because One Nation, and most Australians, support and value freedom of expression. Yet under Labor's logic, socialist conferences and parties and unionists would be banned, because socialism leads to control and mass murder. This is not right—

**The ACTING DEPUTY PRESIDENT (Senator Gallacher):** Resume your seat, Senator Roberts. A point of order, Senator Faruqi?

**Senator Faruqi:** Mr Acting Deputy President, my point of order is for you to ask Senator Roberts to withdraw the comments that he made which implied that Senator Keneally emulated a mass murderer. I think that's completely unparliamentary.

**The ACTING DEPUTY PRESIDENT:** Senator Roberts, I would ask that you reflect on your contribution in the chamber in this particular matter, and it may assist the chair if you were to withdraw the allegations which have been made against Senator Keneally.

**Senator Roberts:** I had no intention of implying in any way that Senator Keneally wants to be a mass murderer. My intention was purely to show that she wants to control freedom in this country, which is something that the mass murderers did. The mass murderers are known for murdering tens of millions of people but their No. 1 fundamental activity was to suppress freedom. That is what Senator Keneally is doing, and I will go on to explain that. I hope that clarifies it.

As it is, the socialist Left is taking over our institutions, our Public Service, our universities and our nongovernment organisations and are destroying freedoms using the tactics of Saul Alinsky. I note the irony that the Jewish lobby provides funds to set up the CPAC, yet opponents of CPAC, opponents of freedom and opponents of free speech call CPAC anti-Semitic. That shows me they have no argument, no logic and no data. They cannot respond, so they label and they blame. That is something that I've discussed elsewhere.

What happens is they create, in the left in this country, a victim. They create a problem. Then they create opponents and perpetrators. Then they want to attribute blame. And then, to avoid argument and to suppress speech, they label, blame and hide behind political correctness. That's the new form of control. It is no longer jackboots, rifles and tanks; it is labels, smears and innuendos.

When opponents resort to name call—racist or anti-Semitic—it confirms they lack data and a logical, coherent argument. I'm not the only one calling Senator Keneally to account. Donald Trump junior has blasted Senator Keneally for wanting to ban Raheem Kassam, who is the editor in chief of Breitbart, to keep him from Australia. Yes, some of Kassam's comments are questionable, yet he is merely using the tactics of the Left. Senator Cormann spoke against Kassam, and yet he agreed on freedom of speech.

I want to commend CPAC next week and encourage people to attend. I want to applaud Andrew Cooper and LibertyWorks for organising the conference. While they thank Senator Keneally for her free advertising, I say it is a blight on Labor and our Senate and our parliament. One Nation and I support it. Therefore, we support this bill, because it protects life and protects freedom.

**Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (11:22):** I rise to sum up the debate on the Australian Security Intelligence Organisation Amendment (Sunsetting of Special
Powers Relating to Terrorism Offences) Bill 2019. In making some brief comments, as I sum up the debate, I just want to set the scene with three points. Australia's current national terrorism threat level is probable. Since September 2014, when the national terrorism threat level was raised, there have been 16 major disruption operations in relation to imminent attack planning. The Director-General of security has said that it is important to temporarily extend the provisions in the current legislation to ensure there is no capability gap, whilst the parliament considers a new bill.

This government will never apologise for making national security a fundamental priority. Keeping Australian communities safe, protecting Australia and Australians from those who seek to do us harm is and will continue to be the government's No. 1 priority. An important way the government achieves this is by ensuring that our national security agencies have the powers they need to do this important job. The government has introduced the Australian Security Intelligence Organisation Amendment (Sunsetting of Special Powers Relating to Terrorism Offences) Bill 2019 to ensure ASIO retains key counterterrorism powers whilst broader reforms are progressed. ASIO's current questioning and detention powers are due to sunset—that is, come to an end—on 7 September 2019. These powers themselves are rarely used, but they are crucial. The powers enable ASIO to detain and question persons of counterterrorism interest. I'll just say that again, so that everybody understands what these powers enable ASIO to do: to detain and question persons of counterterrorism interest. The powers themselves have been used in the past to prevent terrorism in Australia. I'll just say that again, to make it clear to the chamber what we are talking about: the powers have been used in the past to prevent terrorism in Australia.

What this bill will do—and it's a very simple bill—is ensure that ASIO retains its strong counterterrorism capabilities while the government progresses more-detailed reforms to ASIO's questioning and detention powers. As the chamber would know, this follows reviews by the Parliamentary Joint Committee on Intelligence and Security and the Independent National Security Legislation Monitor. The passage of this bill does a very, very simple—but important—thing. It will extend the sunset date—that is, the finishing date—of ASIO's questioning and detention powers by 12 months, as I've said, until 7 September 2020. The bill does not amend ASIO's existing powers in any way, and the powers that we are extending by 12 months will continue to be subject to the strong safeguards and oversight mechanisms.

The committee has reviewed these powers extensively, tabling its report in May 2018. The committee itself recommended that the sunset date be extended by 12 months to enable the committee adequate time to consider a reformed compulsory questioning framework. While the government accepted this recommendation in principle, it has always been clear that reforms to ASIO's coercive powers require careful thought and extensive stakeholder consultation to ensure that the reformed framework is appropriate, adapted and fit for purpose and that it can adequately address both current and future security threats.

Extension of the sunsetting provision will ensure that the legislation will not be rushed and that ASIO will continue to have these coercive powers available should they need to be exercised. Extension of the sunsetting provision will also ensure that, once the government brings these reforms before parliament, the Parliamentary Joint Committee on Intelligence and Security will have sufficient time to scrutinise the proposed reforms. This is consistent with the committee report in May 2018, in which the committee itself was clear that it would need a considerable amount of time to consider reforms to ASIO's questioning powers.

To conclude, the bill will ensure that ASIO continues to have the powers required to address the ongoing threat of terrorism and keep Australians safe. It will also ensure that reforms to these powers recommended by the Independent National Security Legislation Monitor and the Parliamentary Joint Committee on Intelligence and Security are introduced into the parliament in time for adequate consultation through the committee process. Again, the Morrison government and in particular our minister, Peter Dutton, make no excuse for protecting Australia and Australians—for keeping Australian communities safe from those who would seek to do us harm. That is and will continue to be the government's No. 1 priority. I therefore commend this bill to the Senate.

The PRESIDENT: The question is that the bill be read a second time.

The Senate divided. [11:34]
(The President—Senator Ryan)

Ayes .................. 48
Noes .................. 9
Majority.............. 39

AYES

Abetz, E
Askew, W
Bilyk, CL

Antic, A
Ayres, T
Bragg, A J

CHAMBER
AYES

Brockman, S (teller)  
Cash, MC  
Chisholm, A  
Colbeck, R  
Duniam, J  
Fierravanti-Wells, C  
Gallacher, AM  
Green, N  
Hanson, P  
Hume, J  
Lambie, J  
McAllister, J  
McMahon, S  
O'Sullivan, MA  
Patrick, RL  
Remnick, G  
Ruston, A  
Scarr, P  
Smith, M  
Stoker, AJ  
Van, D

Canavan, MJ  
Chandler, C  
Ciccone, R  
Davey, P  
Fawcett, DJ  
Fifield, MP  
Gallagher, KR  
Griff, S  
Hughes, H  
Keneally, KK  
Lines, S  
McDonald, S  
O'Neil, D  
Paterson, J  
Pratt, LC  
Roberts, M  
Ryan, SM  
Seselja, Z  
Sterle, G  
Urquhart, AE  
Walsh, J

NOES

Di Natale, R  
Hanson-Young, SC  
Rice, J  
Steele-John, J  
Whish-Wilson, PS

Faruqi, M  
McKim, NJ  
Siewert, R (teller)  
Waters, LJ

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator KENEALLY (New South Wales—Deputy Leader of the Opposition in the Senate) (11:37): by leave—I move amendment 8713, standing in my name, circulated earlier:

(1) Schedule 1, item 1, page 3 (lines 4 and 5), omit the item, substitute:

1 Section 34ZZ

Repeal the section, substitute:

34ZZ Cessation of effect of Division

(1) This Division (apart from Subdivision C of this Division) ceases to have effect on 7 December 2019.

(2) Subdivision C of this Division ceases to have effect on 7 September 2019.

Labor recognises that this parliament is between a rock and a hard place. The government are proposing to not act on the requirements put on them by the Parliamentary Joint Committee on Intelligence and Security some 18 months ago, the requests made of them by three Independent National Security Legislation Monitors and, indeed, the evidence given by ASIO to the Parliamentary Joint Committee on Intelligence and Security to repeal questioning and detention warrants and to reform questioning warrants.

ASIO wants a law that is fit for purpose. ASIO wants this law reformed. The government have had over 1,000 days to do this work. These are not complex changes. They have been given advice by three Independent National Security Legislation Monitors—one of them appointed by Tony Abbott. They have been provided detailed advice by the Liberal dominated, Liberal chaired Parliamentary Joint Committee on Intelligence and Security. These laws need to be changed. There has been a call from national security experts for them to be changed. The changes would make Australia safer. They would strengthen the arm of our national security agencies. The government are putting the parliament between a rock and a hard place, because, if we simply allowed these questioning and warrant laws to sunset, frankly ASIO would be left without a power that they need, but they do need it reformed.

So Labor are moving an amendment to say the government don't need 365 days; they've already had 1,000 days. Our amendment is that the government should have three more months—90 more days—to bring forward the changes that our national security agencies want and need and to repeal a power that has been described by
Roger Gyles AO QC as 'odious' and that three Independent National Security Legislation Monitors say has no role in our Australian democracy.

Labor asks the crossbench and those opposite to consider the fact that if they vote against this amendment then they are leaving ASIO without the powers that ASIO wants and needs and they are leaving ASIO without those powers for another year. We are asking the government to do this more quickly to benefit our national security agencies and to follow the advice that they have been given over 1,000 days ago by eminent people. This is not the usual opposition getting up and just ranting, raving and railing against government legislation because we want to make a political point. This is actually reflecting the advice of three Independent National Security Legislation Monitors. It is actually reflecting the submission and evidence given by ASIO to the Parliamentary Joint Committee on Intelligence and Security. It is actually reflecting the report of the Parliamentary Joint Committee on Intelligence and Security, which is dominated by Liberal members and chaired by the Liberal member for Canning.

We call on the government to heed that advice and to move as quickly as possible. Three months is sufficient time. We don't need 365 days. Ninety days should be sufficient. It's regretful that we are even in a circumstance where ASIO has to go one more day longer than necessary without the powers they want and need. I ask the government and crossbench to consider the fact that if this amendment goes down then it means that ASIO will not have the powers it wants and needs for another 365 days. This can be done in 90. It should have been done 90 days ago or 900 days ago, but we are where we are today and that is why Labor is moving this amendment.

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (11:41): The government will not be supporting the amendments moved by the Labor opposition. The government does not support any amendment which would, in effect, reduce the amount of time for the reformed compulsory questioning framework to be properly developed and scrutinised. This is not just about the development. It is also about the scrutinising comprehensively of the new bill by the Parliamentary Joint Committee on Intelligence and Security and other stakeholders.

Allowing detention warrants to sunset in isolation, before parliament's consideration of a reformed compulsory questioning framework, would leave ASIO with a significant operational gap. The government intends to repeal questioning and detention warrants and introduce a reformed compulsory questioning framework as soon as possible. Parliament should then be given sufficient time to give due attention and care to its scrutiny of this important legislation. Any changes to the current questioning and detention framework should be carefully considered, not rushed through the parliament.

Rushing changes through without proper consideration and scrutiny runs a great risk of unintended consequences, including for the system of protections, safeguards and oversight embedded in the current legislation. This is a risk that the Morrison government is not prepared to take. Limiting the extension of the sunsetting period, as proposed by this amendment, to three months would not allow the committee sufficient time for the legislation to be developed and reviewed, which is contrary to the committee's 2018 inquiry report. The committee also requested that it be asked to report to the parliament no sooner than three months following the introduction of a detailed amendment bill. Amendments which would reduce the time allowed for the committee's consideration of the bill would also be contrary to the committee's 2018 report.

ASIO's current detention power cannot be repealed in isolation before an alternative mechanism is in place to prevent a person from absconding, destroying things or alerting others to the existence of a warrant. The committee supported an alternative framework to address the significant operational concerns of ASIO. The committee agreed that in the security environment it is essential that agencies have access to a range of effective counterterrorism laws. Repealing detention warrants in isolation is a complex task. The proposed amendments do not take into account the intertwining safeguards, protections and oversight for both questioning warrants and questioning and detention warrants within the legislation. This is a complex legislative amendment that should not be rushed through the parliament without due consideration.

The CHAIR: Order! It being 11.45 the debate is interrupted and the committee will report.

Progress reported.

NOTICES

Presentation

Senator SIEWERT (Western Australia—Australian Greens Whip) (11:47): I seek leave to give a late notice of motion.

Leave granted.

Senator SIEWERT: I give notice that I'll be introducing a motion on the Targeted Compliance Framework.
Senator Dodson to move on the next day of sitting—

(1) That a joint select committee, to be known as the Joint Select Committee on Implementation of the National Redress Scheme, be established to inquire into and report on:

(a) the Australian Government policy, program and legal response to the redress related recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, including the establishment and operation of the Commonwealth Redress Scheme and ongoing support of survivors; and

(b) any matter in relation to the Royal Commission's redress related recommendations referred to the committee by a resolution of either House of the Parliament.

(2) That the committee present its final report on the last sitting day in May 2022.

(3) That the committee consist of 8 members – 4 senators, and 4 members of the House of Representatives, as follows:

(a) 2 members of the House of Representatives to be nominated by the Government Whip or Whips;

(b) 2 members of the House of Representatives to be nominated by the Opposition Whip or Whips;

(c) 1 senator to be nominated by the Leader of the Government in the Senate;

(d) 1 senator to be nominated by the Leader of the Opposition in the Senate;

(e) 1 senator to be nominated by the Leader of the Australian Greens; and

(f) 1 senator to be nominated by any minority party or independent senator.

(4) That:

(a) participating members may be appointed to the committee on the nomination of the Government Whip in the House of Representatives, the Opposition Whip in the House of Representatives, the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or any minority party or independent senator or member of the House of Representatives; and

(b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee.

(5) That every nomination of a member of the committee be notified in writing to the President of the Senate and the Speaker of the House of Representatives.

(6) That the members of the committee hold office as a joint select committee until the House of Representatives is dissolved or expires by effluxion of time.

(7) That the committee may proceed to the dispatch of business notwithstanding that all members have not been duly nominated and appointed and notwithstanding any vacancy.

(8) That the committee elect as chair a member or senator nominated by the Opposition.

(9) That the committee elect as deputy chair a member or senator nominated by the Leader of the Australian Greens.

(10) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, have a casting vote.

(11) That the deputy chair shall act as chair of the committee at any time when the chair is not present at a meeting of the committee, and at any time when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting.

(12) That the committee have power to appoint subcommittees consisting of 3 or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to examine.

(13) That the committee, and any subcommittee, have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament and have leave to report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit.

(14) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President of the Senate and the Speaker of the House of Representatives.

(15) That the committee be empowered to print from day to day such papers and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

(16) That the committee have power to adjourn from time to time and to sit during any adjournment of the Senate and the House of Representatives.

(17) That the provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

(18) That the committee have access to all evidence and documents of the former Joint Select Committee on oversight of the implementation of redress related recommendations of the Royal Commission into Institutional Responses to Child Abuse.

(19) That a message be sent to the House of Representatives seeking its concurrence in this resolution.

Senator Fierravanti-Wells to move on the next day of sitting:

That the Immigration (Guardianship of Children) Regulations 2018, made under the Immigration (Guardianship of Children) Act 1946, be disallowed [F2018L01708].
Senator Fierravanti-Wells to move on the next day of sitting:
That the Underwater Cultural Heritage Rules 2018, made under the Underwater Cultural Heritage Act 2018, be disallowed [F2019L00096].

Senator Fierravanti-Wells to move on the next day of sitting:

Senator Rice to move on the next day of sitting:

Senator Griff to move on the next day of sitting—
(1) That the Senate acknowledges that:
(a) 9 September, is International Fetal Alcohol Spectrum Disorder (FASD) Awareness Day;
(b) FASD is a life-long but preventable condition caused by in-utero exposure to alcohol;
(c) FASD can cause developmental, physical, mental and behavioural problems, including problems with memory, learning, impulse control, planning ability, understanding consequences, emotional regulation, speech and language; and
(d) people with FASD are likely to have poorer academic and employment outcomes, higher rates of homelessness and incarceration, and increased rates of mental health issues and alcohol and other drug abuse.

(2) That the following matters be referred to the Community Affairs References Committee for inquiry and report by the first sitting day in June 2020:
(a) the level of community awareness of risks of alcohol consumption during pregnancy;
(b) the adequacy of the health advice provided to women planning a pregnancy, pregnant women and women who are breastfeeding, about the risks of alcohol consumption;
(c) barriers that may prevent women receiving accurate, timely and culturally/ethnically appropriate information and advice on alcohol and pregnancy;
(d) provision of diagnostic services in Australia including capacity, training, integration and diagnostic models in current use;
(e) the prevalence and nature of co-occurring conditions and of misdiagnosis of FASD;
(f) international best practice in preventing, diagnosing and managing FASD;
(g) awareness of FASD in schools, and the effectiveness of systems to identify and support affected students;
(h) the prevalence of, and approaches to, FASD in vulnerable populations, including children in foster and state care, migrant communities and Indigenous communities;
(i) the recognition of, and approaches to, FASD in the criminal justice system and adequacy of rehabilitation responses;
(j) the social and economic costs of FASD in Australia, including health, education, welfare and criminal justice;
(k) access, availability and adequacy of FASD support available through the National Disability Insurance Scheme, including access to effective and early intervention services for individuals diagnosed with FASD;
(l) support for adults with FASD and for parents and carers of children with FASD;
(m) progress on outstanding recommendations of the House of Representatives Standing Committee on Social Policy and Legal Affairs report, FASD: The Hidden Harm, tabled on 29 November 2012;
(n) the effectiveness of the National FASD Action Plan 2018-2028, including gaps in ensuring a nationally co-ordinated response and adequacy of funding;
(o) the need for improved perinatal data collection and statistical reporting on FASD and maternal drinking; and
(p) any other related matters.

Senator Waters to move on the next day of sitting:
That the Senate—
(a) notes that:
(i) the Clean Energy Regulator's The Renewable Energy Target 2018 Administrative Report – The acceleration in renewables investment, highlights the record investment in large scale, commercial and industrial and household renewables over the last year,
(ii) the Australian Bureau of Statistics reports that jobs in renewable energy in Queensland grew by 1,550 in 2017-2018, an increase of 44 percent on the previous year,
(iii) the Green Energy Markets 2019 update report, states that 2,012 full time equivalent Queenslanders were employed in the installation and sale of rooftop solar PV in June 2019,

(iv) the recently announced shortlist for the Queensland Government's Renewables 400 tender includes ten renewable energy generation and storage developments projected to collectively deliver 3,000 jobs in central and far north Queensland, including 350 direct jobs created by the Clarke Creek Wind and Solar Farm, west of Rockhampton, and

(v) the Adani Carmichael mine, if it proceeds, is expected to create between 800 and 1,500 jobs in the construction phase, with 100 ongoing jobs; and

(b) calls on the Federal Government to:

(i) deliver real jobs that last, by backing the job-creating, climate-fixing clean energy industry, and

(ii) fund the retraining, upskilling and investment in coal workers and their communities to ensure that no-one is left behind in the transition to a low carbon economy.

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

That the Senate—

(a) notes that, on 31 July 2019, offshore petroleum exploration acreage was released, containing 64 areas available for lease:

(i) this is largest number of areas released since 2000, with more than 120,000 square kilometres available, and

(ii) fossil fuels are the leading cause of climate change; and

(b) calls on the Federal Government to halt the development of any further fossil fuel basins.

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

That the Senate—

(a) notes that recommendations handed down by the South Australian Department for Environment and Water, on 31 July 2019, call for 30 species be added to the threatened species list and a further 15 species be upgraded to a more threatened category; and

(b) calls on the Federal Government to establish and fully fund a plan for each threatened species.

Senators Faruqi, Kitching, McCarthy and Sheldon to move on the next day of sitting—

(1) That the Senate notes that:

(a) the report of the Joint Standing Committee on Foreign Affairs, Defence and Trade into the management of per- and polyfluoroalkyl substances (PFAS) contamination in and around Defence bases (PFAS report), was tabled on 3 December 2018, making nine recommendations, and

(b) the President's report to the Senate on the status of government responses to parliamentary committee reports as at 30 June 2019, indicates that a government response to the PFAS report has not been tabled.

(2) that there be laid on the table by the Minister for Defence, by 12 pm on 10 September 2019, the government's response to the recommendations contained in the PFAS report.

Senator Siewert to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) data released by the Minister for Employment, Skills, Small and Family Business shows that nearly four in five jobactive participants have had their payments suspended at least once in the last 12 months;

(ii) jobactive participants often have their payments suspended for reasons out of their control including administrative errors by employment service providers;

(iii) jobactive participants are living on unemployment payments as low as $277.85 a week and should not be subject to unfair payment suspensions;

(iv) poverty is a barrier to employment and suspending income support payments does not help people gain employment; and

(b) expresses concern that jobactive participants can face payment suspensions due to administrative errors by employment service providers with no recourse to Centrelink; and

(c) calls on the Federal Government to:

(i) implement the recommendations contained in the report of the Education and Employment References Committee into Jobactive: failing those it is intended to serve, tabled on 14 February 2019, and

(ii) abandon the Targeted Compliance Framework.
COMMITTEES
Selection of Bills Committee
Report

Senator DEAN SMITH (Western Australia—Chief Government Whip in the Senate) (11:45): I present the fourth report for 2019 of the Selection of Bills Committee. I seek leave to have the report incorporated in Hansard.

Leave granted.
The report read as follows—

SELECTION OF BILLS COMMITTEE
REPORT NO. 4 OF 2019

1. The committee met in private session on Wednesday, 31 July 2019 at 7.20pm.

2. The committee recommends that—
   (a) the provisions of the Combatting Child Sexual Exploitation Legislation Amendment Bill 2019 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 5 September 2019 (see appendix 1 for a statement of reasons for referral);
   (b) the Human Services Amendment (Photographic Identification and Fraud Prevention) Bill 2019 be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 12 September 2019 (see appendix 2 for a statement of reasons for referral);
   (c) the Intellectual Property Laws Amendment (Productivity Commission Response Part 2 and Other Measures) Bill 2019 be referred immediately to the Economics Legislation Committee for inquiry and report by 4 September 2019 (see appendix 3 for a statement of reasons for referral);
   (d) the provisions of the Offshore Petroleum and Greenhouse Gas Storage Amendment (Miscellaneous Amendments) Bill 2019 and the Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment Bill 2019 be referred immediately to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 5 September 2019 (see appendix 4 for a statement of reasons for referral); and
   (e) the provisions of the Family Assistance Legislation Amendment (Extend Family Assistance to ABSTUDY Secondary School Boarding Students Aged 16 and Over) Bill 2019 be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 5 September 2019 (see appendix 5 for a statement of reasons for referral).

3. The committee recommends that the following bills not be referred to committees:
   • Australian Broadcasting Corporation Amendment (Rural and Regional Measures) Bill 2019
   • Royal Commissions Amendment (Private Sessions) Bill 2019
   • Social Security (Administration) Amendment (Cashless Welfare) Bill 2019
   • Social Services Legislation Amendment (Overseas Welfare Recipients Integrity Program) Bill 2019
   • Tertiary Education Quality and Standards Agency Amendment Bill 2019
   • Treasury Laws Amendment (2018 Superannuation Measures No. 1) Bill 2019
   • Treasury Laws Amendment (Consumer Data Right) Bill 2019
   • Treasury Laws Amendment (Ending Grandfathered Conflicted Remuneration) Bill 2019.

4. The committee deferred consideration of the following bills to its next meeting:
   • Air Services Amendment Bill 2018
   • Australian Passports Amendment (Identity-matching Services) Bill 2019
   • Constitution Alteration (Freedom of Expression and Freedom of the Press) 2019
   • Constitution Alteration (Water Resources) 2019
   • Counter-Terrorism Legislation Amendment (2019 Measures No. 1) Bill 2019
   • Discrimination Free Schools Bill 2018
   • Great Australian Bight Environment Protection Bill 2019
   • Human Rights (Parliamentary Scrutiny) Amendment (Australian Freedoms) Bill 2019
   • Identity-matching Services Bill 2019
   • Inspector-General of Live Animal Exports Bill 2019
   • Landholders' Right to Refuse (Gas and Coal) Bill 2015
   • Military Rehabilitation and Compensation Amendment (Single Treatment Pathway) Bill 2019
   • National Sports Tribunal Bill 2019
National Sports Tribunal (Consequential Amendments and Transitional Provisions) Bill 2019
• New Skilled Regional Visas (Consequential Amendments) Bill 2019
• Nuclear Fuel Cycle (Facilitation) Bill 2017
• Regional Forest Agreements Legislation (Repeal) Bill 2017
• Social Services Legislation Amendment (Ending the Poverty Trap) Bill 2018
• Telecommunications Legislation Amendment (Unsolicited Communications) Bill 2019
• Veterans' Affairs Legislation Amendment (Partner Service Pension and Other Measures) Bill 2019.

(Dean Smith)

Chair
1 August 2019

Appendix 1

SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Combatting Child Sexual Exploitation Bill 2019
Reasons for referral/principal issues for consideration:
For further investigation into the legislation
Possible submissions or evidence from:
Law Council of Australia
Legal stakeholders
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:
11 September 2019

Appendix 2

SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Human Services Amendment (Photographic Identification and Fraud Prevention) Bill 2019
Reasons for referral/principal issues for consideration:
Examination of the extent of fraudulent use at present and potential financial and community benefits to instituting photographic identification of users of Medicare services
Possible submissions or evidence from:
• Department of Human Services (Centrelink)
• various bodies representing consumers
• health services providers
Committee to which bill is to be referred:
Community Affairs Committee
Possible hearing date(s):
At least one hearing subject to availability of the Committee
Possible reporting date:
12 September 2019

Appendix 3

SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Intellectual Property Laws Amendment (Productivity Commission Response Part 2 and Other Measures) Bill 2019
Reasons for referral/principal issues for consideration:
Detailed scrutiny and review of the removal of the innovation patent

**Possible submissions or evidence from:**
IP Australia; Law Council, Department of Industry, StartUp Australia

**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:**
4 September 2019

Appendix 4

**SELECTION OF BILLS COMMITTEE**

**Proposal to refer a bill to a committee**

**Name of bill:**
Offshore Petroleum and Greenhouse Gas Storage Amendment (Miscellaneous Amendments) Bill 2019

**Reasons for referral/principal issues for consideration:**
The bill makes significant amendments to various areas of intellectual property

**Possible submissions or evidence from:**
- Oil and gas industry
- Climate and environment organisations
- Department of the Environment

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

**Possible hearing date(s):**
**Possible reporting date:** October 14th

Appendix 5

**SELECTION OF BILLS COMMITTEE**

**Proposal to refer a bill to a committee**

**Name of bill:**
Family Assistance Legislation Amendment (Extend Family Assistance to ABSTUDY Secondary School Boarding Students Aged 16 and Over) Bill 2019

**Reasons for referral/principal issues for consideration:**
Examine the interaction between the proposed Bill and the continued viability and adequate funding of local schools and educational opportunities in communities.

**Possible submissions or evidence from:**
- Education unions
- Social services organisations providing services in remote areas – ACOSS
- Education academics

**Committee to which bill is to be referred:**
Senate Community Affairs Legislation Committee

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

**Possible reporting date:**
13 September

Senator DEAN SMITH: I move:
That the report be adopted.
Question agreed to.

**BUSINESS**

**Leave of Absence**

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (11:45): by leave—I move:
That leave of absence be granted to the following senators:
(a) Senator Dodson on account of parliamentary business; and
(b) Senator McCarthy and Senator Carr today for personal reasons.
Question agreed to.

Rearrangement

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (11:46): I move:

That the order of general business for consideration today be as follows: (a) general business order of the day, 27, Great Australian Bight Environment Protection Bill 2019, (b), general business notice of motion no. 80, standing in the name of Senator Gallagher relating to household incomes and (c), orders of the day relating to documents.

Question agreed to.

Postponement

The Clerk: Postponement notifications have been lodged in respect of the following:

Business of the Senate notice of motion no. 1 standing in the name of Senator Patrick for today, proposing a reference to the Foreign Affairs, Defence and Trade References Committee, postponed till 9 September 2019.

General business notice of motion no. 72 standing in the name of Senator Kitching for today, proposing the appointment of a Select Committee on Integrity of Government Administration, postponed till 9 September 2019.

The PRESIDENT (11:47): I remind senators that the question may be put on any proposal at the request of any senator.

BILLS

Counter-Terrorism Legislation Amendment (2019 Measures No. 1) Bill 2019

First Reading

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (11:48): I move:

That the following bill be introduced: a bill for an act to amend the law relating to counterterrorism and for related purposes.

Question agreed to.

Senator DUNIAM: I present the bill and move:

That this bill may proceed without formalities and now be read a first time.

Question agreed to.

Bill read a first time.

Second Reading

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (11:48): I present the explanatory memorandum and move:

That this bill be now read a second time.

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

Leave granted.

The speeches read as follows—

COUNTER-TERRORISM LEGISLATION AMENDMENT (2019 MEASURES NO. 1) BILL 2019

SECOND READING SPEECH

The Australian Government is committed to ensuring the safety and protection of the Australian community.

Since September 2014, when the national terrorism threat level was raised to 'Probable', there have been seven terrorist attacks targeting people in Australia and 16 major disruption operations in relation to potential attack planning. 76 people have been convicted of terrorism related offences, and there are currently 25 people before the courts on terrorism related charges. In this prevailing threat environment, it is critical that Australia's counter-terrorism legislative framework remains effective and responsive to the evolving threat of terrorism.

The Counter-Terrorism Legislation Amendment (2019 Measures No. 1) Bill 2019 continues the important work of protecting our community. It will ensure that there is a presumption against bail and parole for all terrorists and their supporters. It will also make two changes to improve the operation of the continuing detention order (CDO) scheme for high-risk terrorist offenders.

Schedule 1 — Restrictions on bail and parole
Introducing new restrictions on the existing arrangements for bail and parole ensures there is a presumption against bail and parole for persons who have demonstrated support for, or have links to, terrorist activity, which is consistent with the agreement reached by the Council of Australian Governments (COAG).

In line with the COAG agreement, this Bill expands the Commonwealth's existing presumption to include those offenders who are the subject of a control order, or have links with, or have shown support for, terrorist activities. The new presumption against parole similarly covers all of these terrorism-related offenders. This means that offenders who have links with, or have shown support for, terrorist activities will not be released on bail or parole unless they can show that there are exceptional circumstances that would justify their release into the community.

The Bill also addresses issues raised by the Independent National Security Legislation Monitor's (Monitor) inquiry and report into the prosecution and sentencing of children for Commonwealth terrorism offences. This report was tabled on 2 April 2019. A key issue considered in the course of the Monitor's inquiry, and in his report, is ensuring that the rights of children who are being prosecuted and sentenced for terrorist offences are taken into account. The Bill addresses this key issue by including provisions that make it explicit that the best interests of the child must be considered as a primary consideration by the relevant decision maker at the key points in the criminal justice processes of bail, sentencing and parole.

However, given the overriding need to protect the community, the presumptions against bail and parole will apply to terrorism-related offenders who are under the age of 18. The Bill makes it explicit that the protection of the community continues to be the paramount consideration. This is consistent with the existing presumption against bail which already applies to children charged with, or convicted of, a terrorism offence.

This Bill also amends section 19AG of the Crimes Act, which requires the court to fix a non-parole period of at least three quarters of the sentence imposed for a terrorism offence. This applies to adult as well as child offenders.

While this Bill retains the existing application of section 19AG to children, this will be in the form of a presumption rather than a mandatory requirement that will apply unless there are exceptional circumstances to justify a lower non-parole period.

When considering whether exceptional circumstances exist, the court must have regard to the best interests of the child as a primary consideration, with the protection of the community as the paramount consideration.

The revisions in the Bill to section 19AG reflect the need to remain firm in the face of the serious threat posed by terrorist offences whilst ensuring that the circumstances of children who commit terrorist offences are taken into account when fixing the minimum period that they are required to spend in jail for their crimes.

**Schedule 2 — Amendments relating to continuing detention orders**

Schedule 2 contains two measures to improve the operation of the Commonwealth's CDO scheme for high risk terrorist offenders.

The first measure will amend the CDO scheme to ensure that jailed terrorist offenders who are also serving time for non-terrorist offences remain eligible for consideration for a CDO at the conclusion of their time in prison.

It should not matter whether a terrorist offender's final day of detention is for a terrorist offence or another offence. What matters is the safety of the Australian public, and the Bill will ensure that the community can be protected from terrorist offenders who pose an unacceptable risk to the community of committing a terrorism offence if released from prison.

The second measure brings the options for protecting national security information contained in an application for a CDO into line with the protections available in other proceedings, whether criminal or civil.

At present, the protections for information in a CDO application are different from those available in other proceedings, whether civil or criminal: they only serve to limit what can be disclosed to the public, and do not allow for the full range of protections that a court may order, including under the *National Security Information (Criminal and Civil Proceedings) Act 2004*.

The Bill will amend these protections to provide that the information given to the terrorist offender is subject to any orders the court makes for the protection of national security information.

It is the courts that oversee the protection of sensitive information, and the courts will retain ultimate decision-making power to determine the appropriate orders to protect sensitive information and the impact of any orders on the fairness of proceedings.

Under the current scheme, a complete copy of a CDO application containing all inculpatory and exculpatory material, no matter how sensitive, must be provided to the terrorist offender. The amendments would allow the Commonwealth to seek protective orders over sensitive inculpatory material to allow it not to be provided to the terrorist offender, or provided in a redacted form. The amendments would also enable the Commonwealth to seek protective orders over sensitive exculpatory material. Where the Commonwealth withholds sensitive exculpatory material, the terrorist offender must be notified and may choose to contest any protective orders. It is important to note that under the proposed amendments any information that the court intends to rely on in a CDO proceeding, whether inculpatory or exculpatory, must still be provided to the offender. It will ultimately be a matter for the court to determine any protective orders, balancing the competing interests of providing the terrorist offender with material relevant to the proceedings, with the prejudice to national security that may result from the disclosure of that material.

**Conclusion**

This Bill demonstrates the Government's ongoing commitment to protecting the Australian community from terrorists.
To enable the Parliament to give full consideration of this important Bill, the Government is writing to the Parliamentary Joint Committee on Intelligence and Security to ask it to examine this Bill.

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

BUSINESS

Consideration of Legislation

Senator WATERS (Queensland) (11:49): I move:
(1) That so much of the standing orders be suspended as would prevent this resolution having effect.
(2) That the National Integrity Commission Bill 2018 (No. 2) be restored to the Notice Paper and consideration of the bill resume at the stage reached in the 45th Parliament.
Question agreed to.

COMMITTEES

Corporations and Financial Services Committee

Reference

Senator O'NEILL (New South Wales) (11:49): I move:
That the following matter be referred to the Parliamentary Joint Committee on Corporations and Financial Services for inquiry and report by 1 March 2020:
(a) the relationship between auditing and consulting services and potential conflicts of interests;
(b) other potential conflicts of interests;
(c) the level and effectiveness of competition in audit and related consulting services;
(d) audit quality, including valuations of intangible assets;
(e) matters arising from Australian and international reviews of auditing;
(f) changes in the role of audit and the scope of audit products;
(g) the role and effectiveness of audit in detecting and reporting fraud and misconduct;
(h) the effectiveness and appropriateness of legislation, regulation and licensing;
(i) the extent of regulatory relief provided by the Australian Securities and Investments Commission through instruments and waivers;
(j) the adequacy and performance of regulatory, standards, disciplinary and other bodies;
(k) the effectiveness of enforcement by regulators; and
(l) any related matter.
Question agreed to.

MOTIONS

Sexual Harassment

Senator SIEWERT (Western Australia—Australian Greens Whip) (11:50): At the request of Senator Faruqi, I move:
That the Senate—
(a) notes that:
(i) 1 August, 2019, marks two years since the Australian Human Rights Commission (AHRC) released the 'Change the Course: National report on sexual assault and sexual harassment at Australian universities', which surveyed students on their experiences of sexual assault and sexual harassment at Australian universities,
(ii) the AHRC report found that 21 percent of university students were sexually harassed and 1.6 percent were sexually assaulted in a university setting in 2016,
(iii) sexual assault and harassment continue to be appalling issues at Australian universities, and survivors often struggle to access adequate support services, and
(iv) on 20 August, 2019, students across Australia will be joining a National Day of Action in protest against universities, inaction on the prevalence of sexual violence in university settings; and
(b) calls on the Federal Government to commit to working with universities to ensure that:
(i) university campuses are safe places free of sexual violence, and
(ii) survivors of sexual assault and sexual harassment are given adequate support by their universities.
Question agreed to.

**Indigenous Australians**

**Senator SIEWERT** (Western Australia—Australian Greens Whip) (11:50): I ask that Senator Lines be added to the motion. I, and also on behalf of Senators Hanson-Young, Dodson and Lines, move:

That the Senate—

(a) notes:

(i) that, in 1995, the Aboriginal Flag was recognised as a 'flag of Australia' under the Flags Act 1953,

(ii) that the designer of the Aboriginal flag owns the flag's copyright and has licensed the rights to use the flag on garments to a company which is now requiring people to ask for permission to use the emblem and pay a fee,

(iii) that the licence has now been expanded to physical and digital media,

(iv) that many First Nations communities feel they are now at the mercy of a company seeking to profit from their flag, and

(v) the concerns in many First Nations communities that their flag is licensed to a company; and

(b) recognises that the Aboriginal flag is one of Australia's national symbols and a central part of First Nations people's identity and that the flag should be about people and pride, not profit; and

(c) calls on the Federal Government to do everything they can to ensure that all First Nations peoples and communities can use the flag whenever they want without cost or the need for consent.

**Senator PATRICK** (South Australia) (11:52): I move:

That the Senate—

(a) acknowledges that:

(i) most citizens pay little attention to matters relating to the Administrative Appeals Tribunal (AAT) until they are confronted with an administrative decision they feel is incorrect,

(ii) the AAT permits citizens to address wrongs in administrative decision-making through a process which is fair, just, economical, informal and quick, and

(iii) citizens must hold trust and confidence in the decision-making of the AAT; and
(b) notes that:

(i) most appointments to the AAT are Federal Court judges or experienced legal practitioners, however paragraph 7(3)(b) of the Administrative Appeals Tribunal Act 1975 provides for appointment of senior members and members that, in the opinion of the Governor-General, have special knowledge or skills relevant to the duties of a senior member or member,

(ii) there have been forceful allegations made in the media that a number of appointments made under this provision have been political, for example the appointment of former politicians and political staffers, which undermines public trust and confidence in the AAT, and

(iii) the Honourable Mr Ian Callinan AC QC, former High Court judge, conducted a review into the AAT and stated the repeal of paragraph 7(3)(b) of the Act is desirable; and

(c) calls on the Federal Government to urgently introduce a bill into the Parliament to repeal paragraph 7(3)(b) of the Act.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (11:52): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: The government is considering the recommendations of the Hon. Ian Callinan AC QC. The consideration of Mr Callinan’s recommendations to limit members to lawyers will be considered in the context of the AAT’s role to provide merits review that is low-cost and informal. This includes having large numbers of current members without legal backgrounds but with expertise across the diverse range of matters considered by the AAT. The government will continue to ensure that all members are appropriately qualified and appointed on merit.


The PRESIDENT: Leave is granted for one minute.

Senator GALLAGHER: Labor will not support this motion that would prohibit nonlawyers from being appointed to the AAT. There are some nonlawyers who have the skills and experience to make them an excellent AAT member. However, there is no doubt that the Liberal government has grossly misused the AAT as a Liberal Party employment agency. The Abbott-Turnbull-Morrison government have appointed at least 57 Liberal friends to lucrative jobs on the AAT, where full-time senior members are paid over $380,000 a year and even junior members are paid at least $190,000 a year. The appointments include failed Liberal candidates, dumped Liberal MPs and long-time staffers straight out of the office of the Attorney-General, Mr Porter, who hands out these appointments. The misuse of the AAT as a dumping ground for unemployable Liberals must stop.

Senator PATRICK (South Australia) (11:54): I seek leave to make a short statement.

Leave not granted.

The PRESIDENT: I understand that one of the discussions reached yesterday was movers of motions are considered to be speaking through their motion and aren't going to be granted leave to make statements. I understand that's a matter for the whips and others, but leave was denied at that point. The question is the motion moved by Senator Patrick be agreed to.

The Senate divided. [11:59]

(The President—Senator Ryan)

Ayes ......................12
Noes ......................46
Majority...............34

AYES

Di Natale, R
Faruqi, M
Griff, S
Hanson-Young, SC
Lambie, J
McKim, NJ
Patrick, RL (teller)
Rice, J
Siewert, R
Steele-John, J
Waters, LJ
Whish-Wilson, PS

NOES

Abetz, E
Antic, A
Askew, W
Ayres, T
Bilyk, CL
Bragg, A J
Brockman, S
Cash, MC
Chandler, C
Ciccone, R
Question negatived.

COMMITTEES
Legal and Constitutional Affairs References Committee
Reference

Senator KENEALLY (New South Wales—Deputy Leader of the Opposition in the Senate) (12:02): I seek leave to amend business of the Senate motion No. 2 standing in my name today.

Leave granted.

Senator KENEALLY: I move the motion as amended:

That the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 16 October 2019:

The impact of changes to service delivery models on the administration and running of Government programs, with particular reference to:

(a) the privatisation of Australia’s visa and citizenship program, including:

(i) the integrity of Australia’s visa and citizenship system,
(ii) the commercial implications and increased costs to industry, with particular regard for the tourism and higher education sectors,
(iii) the implications to national security, data security and privacy, and
(iv) the risk to public sector employment – especially rural and regional employment – through service delivery model changes; and

(b) Centrelink’s Robodebt compliance and outsourced debt collection program, including:

(i) the integrity and impact of the automated debt collection processes,
(ii) the limitations and impact of Robodebt collection methods,
(iii) the identification of inaccurate debts – made without human oversight,
(iv) the impact to public sector employment – especially on the capacity and adequacy of staffing level, and
(v) the review and appeals process for debt notices; and

(c) the broader outsourcing of functions in the Human Services portfolio and at the National Disability Insurance Agency, including

(i) the processes for contracting and tendering under the outsourcing of services;
(ii) the impact of capped staffing numbers and the efficiency dividend at government departments/agencies.
(iii) the future planning and preparation for the outsourcing of departmental functions;
(iv) the impact outsourcing has on service provision; and
(v) the impact on current public sector employment and the risks to future public sector employment; and

(d) the outsourcing of security vetting services in the Australian Government Security Vetting Agency, including:

(i) the processes for contracting and tendering under the outsourcing of services;
(ii) the impact of capped staffing numbers and the efficiency dividend at government departments/agencies.
(iii) the future planning and preparation for the outsourcing of departmental functions;
(iv) the impact outsourcing has on service provision; and
(v) the impact on current public sector employment and the risks to future public sector employment;
(e) and related matters.

The PRESIDENT: The question is that the motion moved by Senator Keneally, as amended, be agreed to.

The Senate divided. [12:07]

(The President—Senator Ryan)

Ayes .................33
Noes .................29
Majority............4

AYES

Ayres, T
Brown, CL
Ciccone, R
Faruqi, M
Gallagher, KR
Griff, S
Hanson-Young, SC
Kitching, K
McAllister, J
O'Neill, D
Pratt, LC
Roberts, M
Siewert, R
Steele-John, J
Urquhart, AE (teller)
Waters, LJ
Whish-Wilson, PS

Bilyk, CL
Chisholm, A
Di Natale, R
Gallacher, AM
Green, N
Hanson, P
Keneally, KK
Lambie, J
McKim, NJ
Patrick, RL
Rice, J
Sheldon, A
Smith, M
Sterle, G
Walsh, J
Watt, M

NOES

Abetz, E
Askew, W
Brockman, S
Cash, MC
Colbeck, R
Davey, P
Fawcett, DJ
Hughes, H
McGrath, J
O'Sullivan, MA
Remnick, G
Ryan, SM
Seselja, Z
Smith, DA (teller)
Van, D

Antic, A
Bragg, A J
Canavan, MJ
Chandler, C
Cornann, M
Duniam, J
Fierravanti-Wells, C
McDonald, S
McMahon, S
Paterson, J
Ruston, A
Scarr, P
Sinodinos, A
Stoker, AJ

PAIRS

Carr, KJ
Farrell, D
Lines, S
McCarthy, M
Polley, H
Wong, P

Bernardi, C
Hume, J
Reynolds, L
McKenzie, B
Birmingham, SJ
Payne, MA

Question agreed to.

Energy

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (12:09): I, and also on behalf of Senators Brown and Bilyk, move:

That the Senate—

(a) notes that:
(i) Tasmania, and mainland Australia, stand to reap significant benefits from the Battery of the Nation and Marinus Link projects, including lower power prices, lower carbon emissions, additional income and new jobs,

(ii) the initial feasibility study into Marinus Link concludes that the Marinus Link and related Battery of the Nation projects are only economically viable in the 'High Emission Reduction Target' scenario, which includes a significant increase in renewable energy investment, over a business as usual scenario over the next decade,

(iii) according to the feasibility study, under a business as usual 'neutral' scenario, which corresponds to the Federal Government's approach to renewable energy investment, the Marinus Link and Battery of the Nation projects have a net cost of up to $730 million dollars, while under the High Emission Reduction Target scenario, the projects have a net benefit of up to $482 million,

(iv) the Marinus Link and Battery of the Nation projects will not go ahead unless they deliver net benefits to Tasmania and the nation,

(v) after announcing 14 energy policies, the Federal Government still refuses to introduce any policy to support renewable energy investment to replace the 2020 Renewable Energy Target, which will be fully acquitted next year, and

(vi) without consistent national energy policy that supports renewable energy investment, the Marinus Link and Battery of the Nation projects will not go ahead; and

(b) calls on the Federal Government to introduce a consistent national energy policy that supports renewable energy investment through the 2020s and addresses carbon emissions as well as affordability and reliability in the electricity sector, to ensure the Marinus Link and Battery of the Nation projects go ahead.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (12:09): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: Only the federal Liberal-National government, in partnership with the Tasmanian Liberal government, is fully committed to progressing the Marinus Link and Battery of the Nation projects. The Tasmanian people made their views clear at the last election on these key policies to unlock Tasmania's potential. It's time for Labor senators to start standing up for Tasmanian jobs by matching our commitments to these two projects.


The PRESIDENT: Leave is granted for one minute.

Senator WHISH-WILSON: The Greens agree with the words of this motion that call on the federal government 'to introduce a consistent national energy policy that supports renewable energy investment through the 2020s and addresses carbon emissions'. I want to highlight what a joke it is that the Labor Party would bring a motion into this Senate promoting renewable energy projects to reduce emissions. What absolute hypocrisy, for a party that supports new coalmines, supports new fossil fuel exploration off our coasts and supports the development of the oil and gas industry to bring forward a motion into this Senate—

The PRESIDENT: Is that a point of order, Senator Gallagher?

Senator Gallagher: I think so: my understanding was that during this part of the proceedings there is not debate on the motion. This is clearly debate on the motion.

The PRESIDENT: As I said yesterday, when leave is granted by the Senate for a statement to be made, it doesn't have to comply with anything other than the general orders around behaviour. Those agreements which are undertaken offline should probably continue in the recess as offline discussions. Senator Whish-Wilson.

Senator WHISH-WILSON: If the Labor and Liberal parties want to pretend that they've somehow got an action plan on climate change by bringing forward motions like this to the Senate, then they need to get a grip on the science. We have 10 years to reduce emissions. Significantly, there's no time for incremental change. We need drastic policies to reduce emissions immediately. Only the Greens in Tasmania and in the national parliament have the policies to do that.

The PRESIDENT: The question is that the motion moved by Senators Urquhart, Brown and Bilyk be agreed to.

The Senate divided. [12:13]

(The President—Senator Ryan)

Ayes .....................30
Noes ......................32
Majority ...............2

AYES

Ayres, T
Bilyk, CL

CHAMBER
AYES

Brown, CL
Ciccone, R
Faruqi, M
Gallagher, KR
Griff, S
Keneally, KK
McAllister, J
O'Neill, D
Pratt, LC
Sheldon, A
Smith, M
Sterle, G
Walsh, J
Watt, M

Chisholm, A
Di Natale, R
Gallacher, AM
Green, N
Hanson-Young, SC
Kitching, K
McKim, NJ
Patrick, RL
Rice, J
Siewert, R
Steele-John, J
Urquhart, AE (teller)
Whish-Wilson, PS

NOES

Abetz, E
Askew, W
Brockman, S
Cash, MC
Colbeck, R
Davey, P
Fawcett, DJ
Hanson, P
Lambie, J
McGrath, J
Paterson, J
Reynolds, L
Ruston, A
Scarr, P
Sinodinos, A
Stoker, AJ

Antic, A
Bragg, A J
Canavan, MJ
Chandler, C
Cormann, M
Duniam, J
Ferravanti-Wells, C
Hughes, H
McDonald, S
McMahon, S
Rennick, G
Roberts, M
Ryan, SM
Seselja, Z
Smith, DA (teller)
Van, D

PAIRS

Carr, KJ
Dodson, P
Farrell, D
Lines, S
McCarthy, M
Polley, H
Wong, P

O'Sullivan, MA
Fifield, MP
Hume, J
Bernardi, C
McKenzie, B
Birmingham, SJ
Payne, MA

Question negatived.

Visa Processing

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (12:16): I, and also on behalf of Senators Brown and Bilyk, move:

That the Senate—

(a) notes that:

(i) the Morrison Government plans to privatise Australia’s visa processing system threatens 100 jobs in Tasmania,
(ii) under the Liberals’ plan, private providers will be given licence to run Australia’s visa system as a for-profit business,
(iii) the Liberals’ unfair plan could also lead to the loss of around 2,000 jobs Australia-wide,
(iv) there could be increased visa fraud, cuts to services, and data security risks if the services are privatised,
(v) Australians don’t want to see our visa system privatised, and they especially don’t want to see people lose their jobs,
(vi) under the Liberals, there have been thousands of full time jobs lost across Tasmania in just the last year,
(vii) the Department of Home Affairs last year outsourced 250 departmental call centre jobs to the New Zealand company Datacom, while the Department of Human Services outsourced 250 Centrelink jobs to Serco,
(viii) visa processing times have blown out under the Abbott-Turnbull-Morrison Government,
(ix) partner visas are at record-high processing times of up to 28 months,
(x) the number of people on bridging visas in Australia – waiting for the Department of Home Affairs to process their applications – has blown out to over 229,000 people, and

(xi) the Home Affairs Minister, Mr Peter Dutton, and the Liberals, appear determined to outsource and sell off parts of Australia’s immigration system to the highest possible bidder; and

(b) calls on the Federal Government to protect the integrity of Australia’s visa processing system, and stop its plan to privatise Australia’s visa system.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (12:16): Mr President, I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: The government is not privatising visa decision-making. The Department of Home Affairs is conducting a tender process for a new workflow tool that will support digital visa application and decision-making. This modernisation process is necessary to reduce processing times and ensure that visa decision-making continues to support key export industries, like tourism and education, and helps to keep us all safe. This process is not being driven by a desire to reduce departmental staffing or cut costs. Claims that this process will lead to wholesale job losses and office closures are simply false, and those making those claims actually know that.

The PRESIDENT: The question is that general business motion No. 76 be agreed to.

The Senate divided. [12:18]

(The President—Senator Ryan)

Ayes .................33
Noes ..................29
Majority.............4

AYES

Ayres, T
Brown, CL
Ciccone, R
Faraqi, M
Gallagher, KR
Griff, S
Hanson-Young, SC
Kitching, K
McAllister, J
O’Neill, D
Pratt, LC
Roberts, M
Siewert, R
Steele-John, J
Urquhart, AE (teller)
Waters, LJ
Whish-Wilson, PS

Bilyk, CL
Chisholm, A
Di Natale, R
Gallacher, AM
Green, N
Hanson, P
Keneally, KK
Lambie, J
McKim, NJ
Patrick, RL
Rice, J
Sheldon, A
Smith, M
Sterle, G
Walsh, J
Watt, M

NOES

Abetz, E
Askew, W
Brockman, S
Cash, MC
Colbeck, R
Davey, P
Fawcett, DJ
Hughes, H
McGrath, J
Paterson, J
Reynolds, L
Ryan, SM
Seselja, Z
Smith, DA (teller)
Van, D

Antic, A
Bragg, AJ
Canavan, MJ
Chandler, C
Cornann, M
Duniam, J
Fierravanti-Wells, C
McDonald, S
McMahon, S
Rennick, G
Ruston, A
Scarr, P
Siodinos, A
Stoker, AJ
Question agreed to.

National Road Safety Strategy

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (12:20): At the request of Senator Sterle, I move:

That the Senate—

(a) notes that:

(i) on 8 September 2017, the Australian Government announced the commencement of an independent inquiry into the effectiveness of the National Road Safety Strategy 2011-2020 (NRSS),

(ii) on 12 September 2018, just over a year later, the NRSS inquiry panel, headed by Professor Jeremy Woolley and Dr John Crozier, presented its report to the Australian Government at Parliament House,

(iii) it has been almost 11 months since the Government received this report, and not enough has been done to address the 12 important recommendations within the report, and

(iv) a failure by the Government to act on these important recommendations will result in continued loss of life and injury through road trauma incidents; and

(b) calls on the Australian Government to:

(i) acknowledge that almost 90 per cent of the NRSS targets will not be met by 2020,

(ii) provide an update to the Senate on its plan to address the 12 recommendations from the inquiry into the NRSS, and

(iii) provide a guarantee that the NRSS is being monitored and that changes will be made to reach the agreed targets if they are not on track to be met.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (12:20): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: This government is serious about road safety. In response to the recommendations of the inquiry into the National Road Safety Strategy 2011-2020 the government has established the Office of Road Safety to provide the leadership, coordination and advocacy needed to improve road safety at a national level to reduce the number of deaths and serious injuries on our roads. It has also, amongst other actions, announced a $2.2 billion road safety and upgrade package, provided $18.6 million for key road safety enablers and innovations, and undertaken the review of national road safety governance arrangements.

The PRESIDENT: The question is that motion No. 78 be agreed to.

The Senate divided. [12:22]
Thursday, 1 August 2019

SENNATE

AYES

Steele-John, J
Urquhart, AE (teller)
Waters, LJ
Whish-Wilson, PS

Sterle, G
Walsh, J
Watt, M

NOES

Abetz, E
Askew, W
Brockman, S
Cash, MC
Colbeck, R
Davey, P
Fawcett, DJ
Hanson, P
McDonald, S
McMahon, S
Renwick, G
Roberts, M
Ryan, SM
Seselja, Z
Smith, DA (teller)
Van, D

Antic, A
Bragg, AJ
Canavan, MJ
Chandler, C
Cormann, M
Duniam, J
Fierravanti-Wells, C
Hughes, H
McGrath, J
Paterson, J
Reynolds, L
Ruston, A
Scarr, P
Sinodinos, A
Stoker, AJ

PAIRS

Carr, KJ
Dodson, P
Farrell, D
Lines, S
McCarthy, M
Polley, H
Wong, P

O'Sullivan, MA
Fifield, MP
Hume, J
Bernardi, C
McKenzie, B
Payne, MA

Question negatived.

Ministerial Conduct

Senator McKIM (Tasmania) (12:25): I move:

(1) That the Senate—

(a) notes with deep concern allegations that current members of Parliament, including ministers, pressured senior officers in the Department of Home Affairs to make it easier for certain people, including high-roller clients of Crown Resorts, to obtain visas and clear customs; and

(b) requires the Minister representing the Prime Minister Senator Cormann to attend the Senate immediately after motions to take note of answers on 1 August 2019, to make a statement of not more than 10 minutes detailing:

(i) whether the Prime Minister has investigated the claims made against ministers regarding Crown, which prima facie would breach the Ministerial Standards,

(ii) if the Prime Minister has not investigated these allegations, why he has not done so,

(iii) if the investigation is ongoing, what are the Terms of Reference and timelines for the investigation, and when will the findings be released, and

(iv) whether or not the Prime Minister considers that the Ministerial Standards have been breached.

(2) That at the conclusion of the Minister's explanation, any senator may, without notice, move a motion to take note of the Minister's explanation.

(3) That any motion under paragraph (2) may be debated for no longer than 1 hour, and have precedence over all business until determined, and senators may speak to the motion for not more than 10 minutes.

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (12:25): by leave—I move:

No. 1—Omit subparagraph (1)(a).

No. 2—In subparagraph (b)(i), omit “prima facie would”, substitute “could”.
I apologise for the fact that we haven't circulated these amendments, due to the shortness of time this morning. The amendments I would move would delete paragraph (1)(a) from the motion, and there would be a further amendment to delete, in part (b)(i), the words 'prima facie would' and replace them with 'could'. The heart of these amendments is to take out some of the commentary around this. They would simply require the Minister representing the Prime Minister to attend the Senate and make a statement of no more than 10 minutes detailing those subsections, but without prejudging or making commentary about that. It would be a straight statement, and we would then be happy to support this motion.

Question agreed to.

The PRESIDENT: The question is that motion No. 82, as amended, be agreed to.

The Senate divided. [12:28]

(The President—Senator Ryan)

Ayes .....................33
Noes .....................29
Majority ...............4

AYES

Ayres, T
Brown, CL
Ciccone, R
Faruqi, M
Gallagher, KR
Griff, S
Hanson-Young, SC
Kitching, K
McAllister, J
O'Neill, D
Pratt, LC
Roberts, M
Siewert, R
Steele-John, J
Urquhart, AE (teller)
Waters, LJ
Whish-Wilson, PS

Bilyk, CL
Chisholm, A
Di Natale, R
Gallacher, AM
Green, N
Hanson, P
Keneally, KK
Lambie, J
McKim, NJ
Patrick, RL
Rice, J
Sheldon, A
Smith, M
Sterle, G
Walsh, J
Watt, M

NOES

Abetz, E
Askew, W
Brockman, S
Cash, MC
Colbeck, R
Davey, P
Fawcett, DJ
Hughes, H
McGrath, J
Paterson, J
Reynolds, L
Ryan, SM
Seselja, Z
Smith, DA (teller)
Van, D

Antic, A
Bragg, A J
Canavan, MJ
Chandler, C
Cornann, M
Duniam, J
Fierravanti-Wells, C
McDonald, S
McMahon, S
Rennick, G
Ruston, A
Scarr, P
Sinodinos, A
Stoker, AJ

PAIRS

Carr, KJ
Dodson, P
Farrell, D
Lines, S
McCarthy, M
Polley, H
Wong, P

O'Sullivan, MA
Fifield, MP
Hume, J
Bernardi, C
McKenzie, B
Birmingham, SJ
Payne, MA

Question agreed to.
COMMITTEES
Select Committee into Jobs for the Future in Regional Areas

Membership

The PRESIDENT (12:30): I have received letters nominating senators to be members of a committee.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (12:30): by leave—I move:

That senators be appointed to the Select Committee into Jobs for the Future in Regional Areas as follows:

Senators Ayres, Chisholm, McDonald and Scarr


Question agreed to.

MOTIONS
Advisory Council on Australian Archives
Council of the National Library of Australia
Parliamentary Retiring Allowances Trust

The PRESIDENT (12:31): I have received letters from party leaders nominating senators to fill vacancies on three statutory authorities.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (12:31): by leave—I move:

(1) That, in accordance with the provisions of the Archives Act 1983, the Senate elect Senator Carr to be a member of the Advisory Council on Australian Archives for a period of 3 years, on and from today.

(2) That, in accordance with the provisions of the National Library Act 1960, the Senate elect Senator Bilyk to be a member of the Council of the National Library of Australia for a period of 3 years, on and from today.

(3) That, in accordance with the provisions of the Parliamentary Contributory Superannuation Act 1948, the Senate appoints Senators Abetz and Carr as trustees to serve on the Parliamentary Retiring Allowances Trust on and from today

Question agreed to.

BILLS
Treasury Laws Amendment (2019 Tax Integrity and Other Measures No. 1) Bill 2019
Treasury Laws Amendment (Making Sure Multinationals Pay Their Fair Share of Tax in Australia and Other Measures) Bill 2019

First Reading

Bills received from the House of Representatives.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (12:32): These bills are being introduced together. After debate on the motion for the second reading has been adjourned, I shall move a motion to have the bills listed separately on the Notice Paper. I move:

That these bills may proceed without formalities, may be taken together and be now read a first time.

Question agreed to.

Bills read a first time.

Second Reading

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (12:32): I move:

That these bills be now read a second time.

I seek leave to have the second reading speeches incorporated in Hansard.
The speeches read as follows—

TREASURY LAWS AMENDMENT (2019 TAX INTEGRITY AND OTHER MEASURES NO. 1) BILL 2019

This Bill contains a package of important measures designed to improve the integrity of Australia's tax system, save businesses time and money through implementing an electronic invoicing framework and protect workers' superannuation.

Schedule 1 to the Bill improves the integrity of the tax treatment of concessional loans made to a tax exempt entity that is privatised, by removing inappropriate tax deductions which arise on the repayment of loan principal, for certain privatised entities.

Schedule 2 to the Bill will ensure partners in partnerships cannot inappropriately access the small business capital gains tax concessions when they alienate future income from the partnership. Partners will now only be eligible for the concessions when such rights make the assignee a partner in the partnership.

Schedule 3 to the Bill is an integrity measure that will deny deductions for some taxpayers for expenses associated with holding vacant land. These amendments will improve the integrity of the tax system by tightening the link between claiming deductions for holding vacant land and earning assessable income, and will apply to the 2019-20 income year and future years.

Schedule 4 to the Bill will extend to family trusts a specific anti-avoidance rule that applies to other closely held trusts that engage in circular trust distributions. This will better enable the ATO to pursue family trusts that engage in these arrangements.

Schedule 5 to the Bill amends the Taxation Administration Act 1953 to allow the ATO to disclose to credit reporting bureaus, the tax debt information of businesses that have owed the ATO at least $100,000 for more than 90 days and have not effectively engaged with the ATO to manage their debt. This measure will encourage businesses to engage with the ATO and repay their debt in a timelier manner.

Schedule 6 to the Bill amends the Taxation Administration Act 1953 to allow the ATO to implement an electronic invoicing framework – known as e-Invoicing – in Australia.

Schedule 7 to the Bill protects hard working Australians’ superannuation by closing a legal loophole which has been used by some unscrupulous employers to short-change employees who make salary sacrificed contributions. The changes will:

- prevent employers from using salary sacrificed contributions to satisfy the employer's superannuation guarantee obligations; and
- prevent employers from reducing the base on which they calculate their superannuation guarantee obligations by the amount of the salary sacrificed contributions.

Full details of the measures are contained in the Explanatory Memorandum.

TREASURY LAWS AMENDMENT (MAKING SURE MULTINATIONALS PAY THEIR FAIR SHARE OF TAX IN AUSTRALIA & OTHER MEASURES) BILL 2019

Everyone needs to pay their fair share of tax to ensure the Government is able to fund the vital infrastructure and services that Australians deserve. Most taxpayers pay their way, but integrity rules are necessary to ensure those taxpayers that don't are caught, and made to pay their due.

Thanks to the work of the Coalition government, Australia has some of the strongest rules in the world to combat tax avoidance, but more can be done to make sure multinationals pay their fair share of tax.

Schedule 1 to the Bill introduces new provisions to improve the integrity of Australia's thin capitalisation rules.

These rules prevent multinationals from shifting profits offshore by having unrealistically high levels of debt in Australia in order to claim excessive interest deductions.

The Bill strengthens the integrity of the thin capitalisation rules by improving the reliability of asset valuations used to support debt deductions. It does this by requiring multinationals to rely on the asset values that they publish in their financial statements. This will remove the ability for multinationals to adopt a special valuation solely for tax purposes. The Bill will also remove the ability for multinationals to justify their debt using assets that cannot be recognised for accounting purposes.

No new revaluations are allowed after 7.30PM on 8 May 2018. To allow companies to adjust to the changes, transitional rules will allow companies to rely on asset valuations that were made prior to this time until the last day before the start of their income year commencing on or after 1 July 2019.

The Bill also amends the income tax law to ensure that all foreign controlled consolidated groups are recognised as inward investing entities, even if they have foreign operations. This will confirm that these entities are not able to use thin capitalisation tests that are only appropriate for outbound investors.

Schedule 1 to the Bill will ensure that multinationals cannot structure to avoid our tax integrity rules which are among the strongest in the world.

These changes build on the already strong arsenal the ATO has to deal with multinational tax avoidance, which include the Diverted Profits Tax, the Multinational Anti-Avoidance Law and the Tax Avoidance Taskforce.

Schedule 2 to the Bill levels the playing field for hotel bookings in Australia by ensuring offshore sellers of Australian hotel accommodation calculate their GST turnover in the same way as local sellers from 1 July 2019.
This measure follows the Government's decision to extend the GST to digital products and other services from 1 July 2017 and to low value imported goods from 1 July 2018.

Schedule 3 ensures luxury car tax is not payable on cars that are re-imported into Australia after being refurbished overseas. It will mean that, from 1 January 2019, the same tax treatment will apply to luxury cars, irrespective of where the car is refurbished.

This Bill will help ensure taxpayers pay their fair share of tax, close loopholes and ensure programs delivered through the tax system give the greatest returns for taxpayers, demonstrating the Government's commitment to continually strengthening our tax system.

Full details of these measures are contained in the Explanatory Memorandum.

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

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

**Australian Security Intelligence Organisation Amendment (Sunsetting of Special Powers Relating to Terrorism Offences) Bill 2019**

In Committee

Consideration resumed.

**The TEMPORARY CHAIR (Senator Bilyk)** (12:33): The committee is considering the Australian Security Intelligence Organisation Amendment (Sunsetting of Special Powers Relating to Terrorism Offences) Bill 2019. The question is that the amendment moved by Senator Keneally be agreed to.

**Senator CASH** (Western Australia—Minister for Employment, Skills, Small and Family Business) (12:34): Just by way of context, I'm responding to the amendment moved by Senator Keneally. As I've stated, the government is not supporting the amendment. In continuing my comments, the government is developing these reforms in a considered and deliberate way in close consultation with relevant stakeholders, including ASIO and the Office of the Inspector-General of Intelligence and Security. The government will ensure that the reform framework keeps pace with the evolving threat environment and gets the balance right between public safety and strong safeguards. The government will take the time necessary to get this right. The government will give parliament the time it needs to apply due consideration and care in its review of amending legislation. The government is committed to seeking the best outcome to ensure our agencies can keep Australians safe. For these reasons the government will not be supporting these amendments.

**Senator PATRICK** (South Australia) (12:35): Minister, I was just listening to your comments there. One of the clear recommendations of both the Independent National Security Legislation Monitor and, indeed, the PJCIS, which, of course, is very much part of the parliament, has been to repeal the questioning and detention warrants, so this has had lots and lots of consideration. Can you go to the details of why that should be delayed at this point in time, when there is a bipartisan agreement that it should be repealed?

**Senator CASH** (Western Australia—Minister for Employment, Skills, Small and Family Business) (12:35): Again, the government is carefully considering the legislation as a whole. Once that has been done, it will bring a bill forward for review. But, until then, nothing will be done in isolation.

**Senator PATRICK** (South Australia) (12:35): It's not unusual and, in fact, Senator Keneally's motion allows for the very simple repealing of that section to be dealt with immediately and gives the government more time to deal with the questioning warrants. I note that this has been sunsetted on a number of occasions. Again, noting the bipartisan nature of the recommendations, which means government members have considered this fully, why won't you support the proposition of the opposition in this instance?

**Senator CASH** (Western Australia—Minister for Employment, Skills, Small and Family Business) (12:36): As I've stated, and, I think, as the minister has stated on numerous occasions, the current detention powers cannot be repealed in isolation before an alternative mechanism is in place to prevent a person from absconding, destroying things or alerting others to the existence of a warrant. The committee itself, as you are aware, supported an alternative framework to address the significant operational concerns of ASIO, and the committee agreed that, in the security environment, it is essential that agencies have access to a range to effective counterterrorism powers. Repealing detention warrants in isolation is a complex task, and the proposed amendments do not take into account the intertwining safeguards, protections and oversight for both questioning warrants and questioning and detention warrants within the legislation. This is a complex legislative amendment that should not be rushed through the parliament without due consideration.

**Senator PATRICK** (South Australia) (12:37): Thank you for that answer, Minister. Noting that this is a further extension of sunsetting conditions, can you give the Senate some indication of what further resources
might be required within the department to enable this to be dealt with in a timely fashion and, indeed, what the government's proposed time frame for introducing this legislation into the parliament might be?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (12:38): I'm advised it is actually not an issue with resources; the department itself is appropriately resourced. Given the complexity of the legislation, it is all about getting the consultation right with the various stakeholders and bodies that need to have input into the legislation.

Senator PATRICK (South Australia) (12:34): Noting the time that has already passed, can you give some idea of what the department has been doing in respect of moving towards new legislation? Can you give some indication of where they may be up to in respect of both the questioning warrant related legislation and that relating to questioning and detention warrants?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (12:39): I am advised that the department has had discussions with IGIS and ASIO and has had meetings with interdepartmental agencies.

Senator PATRICK (South Australia) (12:39): I'm wondering if, for example, any drafting instructions have been sent to the drafters on this or is it still too premature for that to have occurred.


Senator KENEALLY (New South Wales—Deputy Leader of the Opposition in the Senate) (12:39): Can I clarify that you've been instructed that drafting instructions have been issued?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (12:40): I'm instructed that there are preliminary drafting instructions.

Senator McKIM (Tasmania) (12:40): The Greens will be supporting this amendment from Senator Keneally. This amendment would repeal section 34ZZ of the bill, which seeks to extend by a further year the sunsetting of part III division 3, special powers relating to terrorism offences, which define and enact questioning and detention warrants. Replacing the bill's sunsetting extension of one more year would be a sunsetting date of 7 September 2019 for subdivision C of division 3 and a sunsetting date of 7 December for the rest of the division. What, in effect, this amendment would do is sunset questioning and detention warrants on 7 September this year and questioning warrants on 7 December.

It's worth pointing out again that a Parliamentary Joint Committee on Intelligence and Security report, which found the compulsory detention powers were not necessary to prevent or disrupt a terrorist attack, recommended these powers be repealed after 18 months. These replacement powers should, as recommended by the Independent National Security Legislation Monitor in 2016, follow the model of coercive questioning available under the Australian Crime Commission Act 2002 as closely as possible. That 18-month time frame was to expire on 7 December 2019, as is currently legislated. This amendment would essentially provide the government an extra three months to draft and enact alternative compulsory questioning powers in recognition that the government has clearly made little to no progress on this recommendation. Questioning and detention warrants would sunset first, as these are powers that, according to numerous government inquiries and expert advice, would not and should not be replaced.

The Australian Greens have always believed and argued that part III division 3 of the ASIO Act is wholly unjust and unnecessary legislation, which was in fact one of the very early steps this parliament took on what has now been a long, ongoing and regrettable march towards a surveillance and police state in this country. We would prefer to see all of these powers sunset as currently legislated on 7 September this year. However, we will be sustaining this amendment, which will sunset the worst of these powers on 7 September, with the rest to sunset by the end of this year, because they make a bad piece of legislation marginally better.

Senator PATRICK (South Australia) (12:42): Minister—and you may wish to take this on notice—if you can provide the dates on which the department met with the organisations that you suggested, or that you said that they met with, and provide the date upon which the drafting instructions were tendered to the drafters, that would be appreciated.

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (12:43): I'm happy to take that on notice and have that provided to Senator Patrick.

Senator KENEALLY (New South Wales—Deputy Leader of the Opposition in the Senate) (12:43): My question is, noting that the government controls the legislative agenda in the House and in the Senate, given that we are racing against time to get this done before 7 September and this is the last sitting day, why didn't the government move this legislation through the House last sitting week?
Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (12:43): My understanding is that the government had other legislation that it needed to deal with last week. As such, it was appropriate to move this legislation this week.

The TEMPORARY CHAIR (Senator Carol Brown): The question is that the amendment moved by Senator Keneally be agreed to.

The committee divided. [12:48]

(The Temporary Chair—Senator Brown)

Ayes ...................... 29
Noes ...................... 30
Majority ............... 1

AYES
Ayres, T
Brown, CL
Ciccone, R
Farrell, D
Gallacher, AM
Griff, S
Keneally, KK
McAllister, J
Patrick, RL
Rice, J
Siewert, R
Steele-John, J
Urquhart, AE
Waters, LJ
Whish-Wilson, PS

Bilyk, CL
Chisholm, A (teller)
Di Natale, R
Faruqi, M
Green, N
Hanson-Young, SC
Kitching, K
McKim, NJ
Pratt, LC
Sheldon, A
Smith, M
Sterle, G
Walsh, J
Watt, M

NOES
Abetz, E
Askew, W
Bragg, AJ
Cash, MC
Colbeck, R
Fawcett, DJ
Fifield, MP
Hughes, H
Lambie, J
McAlister, J
Patrick, J
Reynolds, L
Ruston, A
Scarr, P
Stoker, AJ

Antic, A
Bernardi, C
Canavan, MJ
Chandler, C
Duniam, J
Fierravanti-Wells, C
Hanson, P
Hume, J
McGrath, C
O'Sullivan, MA
Rennick, G
Roberts, M
Ryan, SM
Smith, DA (teller)
Van, D

PAIRS
Carr, KJ
Dodson, P
Gallagher, KR
Lines, S
McCarthy, M
Polley, H
Wong, P

Brockman, S
McKenzie, B
Sinodinos, A
Seselja, Z
Birmingham, SJ
Payne, MA
Cormann, M

Question negatived.
Bill agreed to.
Bill reported without amendments; report adopted.

Third Reading

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (12:51): I move:

That this bill be now read a third time.
Question agreed to.

Treasury Laws Amendment (Consumer Data Right) Bill 2019

Second Reading

Consideration resumed of the motion:

That this bill be now read a second time.

Senator McALLISTER (New South Wales) (12:52): Technology has substantially changed the nature of Australia's economy. Companies that previously saw their core business merely as selling goods or services increasingly recognise the value that is embodied in information about their customers. The result has been a profusion in both the types of data collected about ordinary Australian consumers and the ways in which it's collected. This trend is only likely to accelerate. Just a few years from now, Australians may have their data collected by devices that they never previously considered smart, and sent to companies they never previously viewed as tech. As one submitter to the Senate committee inquiry into this bill noted:

Continued advances in artificial intelligence (AI) and cloud technologies, together with growth in connectivity through the proliferation of Internet of Things devices, could have profound impacts on global commerce …

We should be clear-eyed about what this means: More data may mean more personalised services offered in more convenient ways to more consumers. It may also mean our data being used in ways that we never previously thought possible—perhaps a credit bureau combining information about the type of takeaway we eat with our fitness tracker data, to predict how healthy we'll be in a decade; or a bank looking at the data on driving patterns from a smart car to assess just how risk averse we are. These engage more than just privacy concerns. Each dataset that is collected represents real economic value to the company that collects it, and the result is that the collection of proprietary data can help cement a market position and lead to less competition in crucial sectors.

It poses a novel regulatory challenge. Existing regulatory schemes are, of course, capable of providing some guidance to commercial parties and some protections to consumers. However, they are fundamentally designed to address different problems from a different time. Other jurisdictions have acted to address this challenge—most notably the UK and the EU. This legislation does not go as far as either. It simply establishes a framework for consumers to access and transfer data between businesses. As I will go on to discuss, it is not a comprehensive framework for controlling the use of personal information. However, this bill is an important first step in creating a common understanding about how personal data can be treated and, if properly administered, will have real impacts in the long run on competition in crucial market sectors in Australia.

This bill amends the Competition and Consumer Act 2010, the Privacy Act 1988 and the Australian Information Commissioner Act 2010 to introduce a new framework for a consumer data right. This framework will allow organisations, individuals and businesses more control over the data held on them by certain organisations. They will be given the ability to access that data and to share it and, if they choose, to share it with accredited and trusted third parties. This framework is intended to be progressively extended and rolled out across different sectors of the economy, initially in banking, with energy and telecommunications to follow later.

Under the framework, the ACCC will be empowered to set rules, accredit participants, oversee data standards and take enforcement action when consumers' rights are being seriously or systemically breached. Technical standards will be set by a data standards chair, advised by a data standards body. This body—initially the CSIRO's Data61—will be responsible for working with business and consumers to ensure that the framework is implemented effectively and efficiently. Individual privacy will continue to be the remit of the Australian Information Commissioner who will have responsibility for enforcing privacy safeguards around the framework and providing complaint-handling for breaches of the privacy safeguards.

The bill will also extend the protections under the Privacy Act 1988 to cover data held by small businesses if those small businesses are accredited data recipients under the consumer data right framework. The consumer data right has the clear potential to increase consumer choice and competition. There are benefits for banking and financial services, which will be the first sector affected by the rollout. It will make it easier for consumers to change providers. As CHOICE noted in their submission to the Senate inquiry, consumer advocates have been strongly supportive of the spirit and intention of the bill. The CDR was conceived to empower consumers through improved access to their data and to facilitate consumer mobility between products and services.

One of the disincentives for customers in shopping around for a better product is the difficulty of transferring their information and data across with them, and it's very apparent in the finance sector. Half of all Australians are still customers of the very first bank they opened an account with. Increased competition may lead to better products and services for all consumers, not just those who choose to switch providers. Access to consumer data may also allow the development of new tools to allow people to make the most of the ability to change providers. There are thousands of credit and other financial products available. Most people do not have the time to properly
assess which is the most suitable for them. Even if they do, many don't have the skills or the information to make that assessment. Giving consumers control over their data may facilitate the development of tools to help them do this, as well as services that may allow them to budget better and manage their financial lives. We can expect to see similar products and services being developed in sectors other than banking as the CDR regime is applied to other sectors in the economy.

This is clearly important legislation. Throughout the Senate inquiry process, we heard concerns from numerous stakeholders about the rushed nature of the policy process. The BCA, the Law Council of Australia and the Communications Alliance, just to name a few, all had concerns about the time lines for the development and implementation of this legislative framework. The government's haste manifested in a number of ways. Firstly, the shortened time lines for the development and implementation of the legislation; secondly, the fact that this legislation was drafted in parallel to the consumer data right rules, which will be administered by the ACCC; and, thirdly, the technical standards which are overseen by Data61 and the data standards body. There's nothing essentially wrong with doing things in parallel. Developing policy in tandem can allow collaboration and adaptation between groups. But stakeholders had concerns that there was not sufficient time given to ensure that, for each of the workstreams, they were actually complementary, and concerns that a coherent regulatory framework may not be the end product. Stakeholders were also concerned there wasn't sufficient opportunity to understand the interlinkages between these tranches of work.

Thirdly, stakeholders were very concerned that there had been insufficient consumer testing. Consumer behaviour—how consumers respond to this regulatory framework—is a very important part of the regulatory framework. Consumers will only exercise their rights under this legislation if they both understand what the purpose of the scheme is and are satisfied with the level of consumer and privacy protections. As the Australian Banking Association observed in their evidence to the committee:

Consumer education will be a critical part of this, remembering this is about putting the customer in the driver's seat in control of their information to authorise that sharing with another provider, so it is very much designed to benefit all customers.

Of course, the fourth concern was the very short time frame for a Senate inquiry: just five weeks from open to close. We on this side of the chamber are concerned that it is politics, not policy, that is driving these compressed time frames. The substantive policy issues that this bill addresses have existed for years. The government has previously taken no real steps to address them. One representative of an energy company gave evidence to the committee saying:

I don't understand why the legislation appears to be rushed. It would seem that we are rushing this legislation to allow banking to be implemented as quickly as possible.

That raises a few questions, doesn't it? It raises a question about whether the government is rushing this legislation in order to provide cover for its total failure to take timely action in response to the recommendations of the banking royal commission.

As I alluded to earlier, this bill is not the last word, by any means, on consumer data rights and protections. More will need to be done to ensure that Australians have control over their data and their privacy. In the first instance, the government will need to monitor the rollout of this framework to ensure that it does not have unintended consequences for vulnerable Australians. As the New South Wales Energy & Water Ombudsman noticed:

The biggest concern is vulnerable customers. They seem to be on the receiving end of what doesn't go right, and they don't get the benefits of new technology that might drive prices down.

I want to be clear about the dynamic that's being described here. Increased access to consumer data has the potential to enable private sector businesses to segment markets into more profitable and less profitable cohorts. For less profitable cohorts, this may mean increases in cost or decreases in the services available to them—and there is an indication that is already happening in some parts of the energy market. There are significant risks that vulnerable customers could be, directly or indirectly, excluded from essential services provided in the private sector.

These concerns were raised by the Financial Rights Legal Centre in their evidence to the Senate inquiry. They said:

Those experiencing financial hardship are often very profitable to debt management firms and fringe financial service providers and therefore most vulnerable to exploitation. Those in more precarious financial situations are more likely to be unfairly charged higher amounts or pushed to second tier and high cost fringe lenders.

This is the consequence of excluding low-income people from mainstream services, and it needs to be part of the government's thinking about how the private sector is going to use the vast quantities of data that are already available in the market. The consumer data right is a new regulatory framework. It should not be set and forget.
The government will need to be actively monitoring and responding to emerging situations to avoid problems such as this. There will be further regulatory interventions needed in the future to deal with other aspects of the data economy.

The ACCC’s recent Digital Platforms Inquiry supported a range of improvements to privacy protections. Amongst other things, it recommended giving consumers a 'right to delete' across the economy—that is, allowing consumers to require data holders to erase their personal information. The inquiry recommended introducing direct rights for individuals to bring court actions against organisations that violate their privacy. It recommended raising penalties for breaches of the Privacy Act. It recommended strengthening consent and notification requirements and prohibiting unfair contracts. We would encourage the government to consider these recommendations to help build a safer information economy.

Labor is also concerned about the rise of screen-scraping technology. Some financial service companies are asking customers to provide them with sensitive login information and scraping the data off their screens. This can potentially lead to customers violating their banking terms of service and have other consequences. While other jurisdictions, such as the UK, have banned the use of screen-scraping, the government is yet to act.

We support this bill and the benefits it will bring to competition in the banking market. It will create new rights for consumers to direct the transfer of their data. Labor has listened to consumer groups who have raised concerns about a consumer's right to have their own data deleted in certain circumstances. And, as I noted earlier, these concerns are echoed by the ACCC. We have secured a commitment from the government that consumers will be given the right to have their data deleted. An amendment to this legislation will be moved by the government after the winter break to give effect to this commitment.

Although we support this bill, it is only a partial response to the changes that have overtaken the Australian economy. The growth in the collection of data about Australian consumers has clear privacy, competition and productivity issues, and these are issues that the government should address in a more substantive way in this, their third term. The government has shown very little inclination to deal with policy challenges facing Australia. They have no energy policy. They have no policy for wages growth and they have no policy on climate change. The government's preference seems to be to occupy the Treasury benches without doing the work that comes with it. Australia can only hope that this changes.

Senator HUME (Victoria—Assistant Minister for Superannuation, Financial Services and Financial Technology) (13:06): Firstly, I'd like to thank senators who have contributed to this debate. In order to further strengthen the privacy provisions in the bill, the government has agreed with the opposition to make a further change to ensure that rules under the scheme contain a requirement for an accredited data recipient to delete a consumer's data if requested. The circumstances in which this requirement is exercised will be established in the rules and may vary from industry to industry. I table the text of what will be a new bill that the government will introduce in the next sitting period, which will amend this bill. I want to thank the opposition in working with the government to ensure the passage of this bill today, which will give certainty to the industry that they have been asking for. I commend this bill to the Senate.

Question agreed to.
Bill a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Sterle) (13:07): As no amendments to the bill have been circulated, I shall call the minister to move the third reading unless any senator requires that the bill be considered in Committee of the Whole.

Senator HUME (Victoria—Assistant Minister for Superannuation, Financial Services and Financial Technology) (13:07): I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.

GOVERNOR-GENERAL'S SPEECH
Address-in-Reply

Consideration resumed of the motion:
That the following address-in-reply be agreed to:

To His Excellency the Governor-General

MAY IT PLEASE YOUR EXCELLENCY—
We, the Senate of the Commonwealth of Australia, in Parliament assembled, desire to express our loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the speech which you have been pleased to address to Parliament.

(Quorum formed)

Senator McGrath (Queensland—Deputy Government Whip in the Senate) (13:10): I would like to talk about what happened on 18 May. I think we'd all like to know what happened on 18 May. I think it was a valuable lesson for those who have a lot of arrogance about them in terms of taking the people for granted.

Honourable senators interjecting—

The Acting Deputy President (Senator Sterle): Order! Hang on, Senator McGrath. Senators, this is very serious.

Senator McGrath: And I'm not necessarily saying for those opposite; I'm saying for those who take the people for granted, for those who only listen to the shrill, loud voices of Twitter, for those who only listen to the commentariat who write on the pages of Fairfax and for those who do not listen to the quiet Australians—those people who go on with their lives, who have a job, who would like to get a job, who would like to start a business, who would like to just to get on with life and who don't want the heavy hand of government, the heavy hand of unions, the heavy hand of leftist politicians telling them what to do.

For those who are still a bit surprised by the result, 18 May was a wake-up call, and I say to my friends on the left of politics, my friends on the other side of the chamber—I use 'friends' in the broadest sense of the word—that you should listen to those quiet Australians. You should listen in terms of not only what they said but what they didn't say, and of why they said that, because 18 May was not just a wake-up call. It was a clarion call to the political class to stop chasing after vested interests, to stop chasing after those who put the interests of radical minority groups before the interests of those quiet Australians who live in the suburbs and drive second-hand cars. Sometimes they might be lucky enough to buy a new car. Sometimes they can only afford a new car when they retire and use that super to buy a new car for the first time in their lives.

The quiet Australians aren't flash. They get pretty excited when they get one of those nice, big flat-screen TVs and it goes up on the wall. They're really happy they've got this great, big TV. And you know what? Sometimes they might leave it on stand-by—accidentally—because what they want to do is make sure they can get on with life. They also don't want people to interfere with them. They want to make sure that their kids and their families can have the best, and sometimes—

Senator Pratt: I raise a point of order. Mr Acting Deputy President, if you could direct Senator McGrath to come back to the Governor-General's address in the address-in-reply debate, rather than leaving the chamber on stand-by, that would be terrific.

Senator McGrath: Mr Acting Deputy President, I'm clearly relevant to the debate.

The Acting Deputy President: Hang on. Settle, tiger. I haven't given you the call yet. On the point of order, Senator McGrath—assuming I'm going to say there is a point of order.

Senator McGrath: I apologise, Mr Acting Deputy President. On the point of order that has been raised by Senator Pratt, I'm clearly relevant to the terms of the debate.

The Acting Deputy President: Thank you, Senator McGrath. On the point of order, as you know, I can't direct the senators word by word, but I would remind you that we are talking about the parliament's address-in-reply.

Senator McGrath: It's going to be 16 minutes and 49 seconds of pure excitement for those who will be listening to this debate.

In terms of the address-in-reply, in terms of what was outlined in the Governor-General's speech and in terms of the broad, massive program that this government has for the betterment of Australia where it came from was from those quiet Australians who live in the suburbs—

Opposition senators interjecting—

Senator McGrath: I'll ignore the interjections from the Greens. I think it's sensible life advice for most people to ignore the Greens. Those quiet Australians who live in the suburbs and live in those small country towns, like my parents—my parents who live in a little place called Toogoolawah—

Senator Pratt: Where do you live?

Senator McGrath: I'll tell you where I live in a moment actually. My parents live in a little place called Toogoolawah, a little town in the Brisbane Valley. They are some of those people who live in wooden and tin houses. They don't have much money. Their neighbours get on with their lives. They don't want the government and they don't want the left wing telling them what to do.
The good Senator has asked where I live. I live in a beautiful place. I live on the Darling Downs—

An opposition senator interjecting—

Senator McGrath: I will take that interjection—

The Acting Deputy President (Senator Sterle): You don't have to.

Senator McGrath: All of Queensland is a beautiful place. I cannot choose one part of Queensland over the other, because that would be career limiting for a senator. You should go to the Darling Downs sometime, particularly Warwick. I'm glad you raised the issue of Warwick, Senator. It's very, very sad, though—I was texting my dad before so, 'Hi, Bruce'—in that there has been no rain at home for a while. It is a very sad situation—this is a serious point—that the drought is impacting on Queensland. It has been going on for some time. That's why it's so good that the—

An opposition senator interjecting—

Senator McGrath: I'm not letting go now. I got 14 minutes and 43 seconds to go. In this sitting fortnight, we have been able to pass legislation that was foreshadowed in the Governor-General's address in relation to what we can do to help those who are impacted by the drought. We can also assist those with the farm household allowance in terms of the changes that were passed by the Senate yesterday.

The drought is an issue that is threatening not just the viability of rural, regional and remote Queensland, it is a natural disaster that will impact upon the entire economy of Australia. We know that when the bush does well that the cities do well. We also know that when the bush does not do well—when that rain does not fall, when that dirt does not become mud and when those crops do not grow and the beasts do not live—the cities will hurt.

We are in the midst of a drought that is akin to the one that hit Australia in the seventies. We can talk about the great drought of the 1890s—there's nothing great about it when you think about it. This is the terrible drought of the 2000s.

As Senator Scarr, Senator Stoker, Senator Renick and Senator McDonald know—we have almost the full suite of Queensland senators here, and Senator Canavan is no doubt watching me in his office—there are children in Queensland who are yet to feel the magic of rain falling on their heads, because the drought in parts of Queensland has been going for almost eight years—

Senator Duniam interjecting—

Senator McGrath: That is a shame, as Senator Duniam says.

The government cannot make it rain, but we can help those who are suffering, whether they are on the land or just as importantly in the towns because—this is what people sometimes don't understand—when it becomes dry in the bush the towns also become dry, because it means the graziers and the farmers do not have the money to spend in the shops. They do not have money to spend in the farm supply businesses. When the money is not spent in those towns and villages it becomes this vicious, vicious cycle, because those businesses do not have customers going through their front doors. And if the customers do not go through the front doors it means staff will have to be laid off and that perpetuates the cycle. That is why, sadly—and Senator McDonald in her brilliant maiden speech talked about the ghost towns of Queensland—we are seeing, or have seen, living towns at the moment that are on the verge of dying. This is where the government does have a role—a role to help those towns survive, to help those on the land survive. This is why you go into power. This is why you go into politics. This is why you go into parliament because you want to go in to help people, and you want to help those people who do not have a voice—those quiet people.

Some of those who spoke up on May 18 were those quiet Australians who wear the big hats and have those sunburnt faces from spending a lifetime out in the sun. Those quiet farmers and graziers, those who work on the land, spoke up, because they wanted to make sure that they had a government that was on their side. Because, sadly, what the election showed was that some on the left of politics no longer understand rural Queensland and rural Australia. The opposition want to bring in vegetation management laws—and they want to do preference deals with the Greens—and replicate the Queensland Labor Party's vegetation management laws nationally. They thought that was the answer to the drought: to bring in more bureaucracy, to bring in more red tape on farmers, to stop those farmers from getting on and turning Australia into a food bowl—a food bowl for not just us but the rest of the world.

With your permission, Mr Acting Deputy President Sterle, I will make a slight diversion: I was in Hughenden on Saturday in the Flinders Shire. We, the Queensland senators, all know Jane McNamara, a wonderful mayor. There are many wonderful mayors, but you don't want to choose a favourite up in that neck of the woods because the others will lynch you. They're all brilliant mayors, but Jane McNamara, the Flinders Shire Council and a lot of people did a lot of work to bring together an agreement between the shire, the people of the shire and a company
to build a meat-processing facility—an abattoir, in plain English—and a feedlot, in Hughenden. This is so important because they want to be able to process some of the finest cattle in Australia in Hughenden and send it direct to China. The emerging middle classes in India and China know that Australian produce, whether it is from cattle, sheep—or even goat, in some cases; if you go out to Charleville people are pretty keen on goat—or our crops, is clean and tastes good. We can value-add to it, as my colleague Senator Scarr, said. That is a good story. That is something that should be able to unite everybody in this chamber: in a small remote part of Queensland—I don't think it is remote; Hughenden to me is just down the road, but it's classified by those who know better that it is remote—a small rural council has been able to work with a company to try to bring together a facility that will put jobs into Hughenden, stop the decline of that town and stop it turning into a ghost town. That is brilliant, brilliant news.

So, the people in Hughenden understood that 18 May was about the future of Australia to make sure that those who shriek on Twitter weren't running this country. The people who are running this country are—

Senator Sinodinos interjecting—

Senator McGrath: those quiet Australians, as Senator Sinodinos says. Those people aren't actually on Twitter. They probably don't know what Twitter is—and that's also sensible life advice: never go on Twitter! Although, Senator Sinodinos, I think you are on Twitter, aren't you? Renowned troll! But I digress—a troll of the Left, which is very, very good. So, these quiet Australians wanted a government to get out of their lives, to cut taxes. What is the first thing that this government did?

Senator Scarr: Cut taxes!

Senator McGrath: It cut taxes. Because cutting taxes is good for you. It is good for your family. It is good for your job, whether you are working for a small company or a big company. It is good for the company that employs you. It is good for you if you want to get ahead and start your own company, for those people who have a dream.

Those of us on the Right and the Centre Right of politics believe in this concept called freedom; those on the Left don't. We believe that you, as the individual, as the family unit, as the community, should have the freedom to do as much as you wish without impinging upon the rights of the other, and the classic case of this is the freedom to spend your money. Because it is your money. It is not the government's money. It has never been the government's money. It is your money because you worked for it, whether you were digging holes or sitting in an office, whatever you were doing. It is your money. And we on this side of politics—and it is that defining streak that goes through this chamber—believe you can spend that money as you wish, because it's your money and you know what to do with it. It's not the government's money.

The government has a role to play—a limited role, in my view—in the affairs of the nation. The nation is best served by powerful individuals who have the means, through their own blood, sweat and tears, to go ahead and do as they wish and not be controlled by a government that taxes them from birth until death and spends their money, often on vanity projects of politicians, like Pink Batts, 'clash for clunkers' and many of the other renowned—I don't know if 'renowned' is the correct word to use there—schemes of the Left.

Senator Scarr: Infamous.

Senator McGrath: Infamous—thank you, Senator Scarr—notorious schemes of those on the Left, who think that they can make people happier by taxing them more, taking their money off them and giving it to other people. We say: no, you should have that money. You should have that money in your purse or in your wallet. You should have that money because it is your money. You can spend it on buying a car—often it will be second hand—and you can spend it on buying that new TV if you wish, because that is what a society is about. It is about ensuring that the individual and their family, in whatever colour or make it comes in, has power over their own destiny, without that ugly hand of the state intervening in there.

That's why we are so proud on this side of the chamber—so proud—that we were able to vote for tax cuts. One of the premier elements of the Governor-General's speech, when he came here at the opening of parliament, was our tax plan. It's a tax plan that didn't just start with tax cuts on 1 July, a mere month ago; it's a plan that takes tax cuts for the next few years. Sadly, one of the big complaints that people level at politicians is that we're too short-term, that we focus on tomorrow, on the headline, on our re-election. This is a party and a government—the Liberal Party, the National Party, the Country Liberal Party, the Liberal-National Party, this coalition of the Centre Right—that took to the election on May 18 a long-term plan for tax cuts, because we wanted to show to the people that we trusted them and that this is what we thought they should be doing with their money.

You know what the people did? They wandered into those polling booths in the pre-poll period. They didn't say much. I remember Bribie Island. Bribie Island was on fire, because they wandered in and they were cranky with those on the Left. They couldn't understand why any political party would want to raise taxes and take away their
money. They couldn't understand why self-funded retirees—in some cases pensioners—were going to have their savings effectively taken away from them. They couldn't understand why people who had worked hard all their lives, with calluses on their hands, who had given up so much for themselves, for their family and for their community, were going to be punished by a political party for doing the right thing.

That is a sad reflection upon the Labor Party. And I'm a little bit of two minds on this, but I probably don't want the Labor Party to learn the lessons from this last election, because if you don't learn the lessons from the last election you'll repeat them at the next election—and I hope you do repeat those mistakes at the next election, because then more quiet Australians will understand that with Scott Morrison and Michael McCormack we have a government of humility, of seriousness, who want to take politics off the front page of the newspapers and put it on page 4 or 6 or 10 or 11 and let people get on with it.

**Senator Gallagher:** You'd like that.

**Senator McGrath:** Yes, I would like it. I'd like people to focus on real issues, rather than the scatterbrained yahoo-ness of politics, of people shrieking at each other. Let's have serious policy discussions. Let's talk about where this country is going over the next decade. Let's talk about what we're going to do—the solutions we'll find to youth suicide, the solutions we'll find to the appalling infant mortality rate in Indigenous communities. Let's talk about what we're going to do in drought-proofing this country. Where are the answers for that? Stop playing yahoo politics.

On 18 May the people decided to vote for a government, for a political party, who believe in the individual and believe in freedom and believe in people getting on with their lives. That's what this government is going to do, and that's what the Governor-General said in his speech to this parliament, because it is all about freedom, all about making sure that people can get on with their lives. *(Time expired)*

**Senator BILYK** (Tasmania) *(13:31)*: I will take my hat off to Senator McGrath—which is something I don't often admit to—because he was left holding the baby while that side was disorganised and couldn't get their speakers down. Even though he'd called a quorum to get people down, it still didn't work.

**Senator McGrath:** That's not true.

**Senator BILYK:** I've got the speakers list in front of me, so I know what was supposed to happen. Anyway, I do take my hat off to you for holding the government on your shoulders for that last 20-odd minutes.

In acknowledging the Governor-General's address outlining the Morrison government's program, we couldn't help but notice the lack of any serious plans to tackle the major challenges facing this country's future. Witnessing the 18 May election you could be forgiven for thinking that the Liberals' entire message consisted of a big old-fashioned scare campaign about Labor's policies, or at least their misleading representation of our policies. I can't really think of one positive policy this government can hang its hat on and say, 'This inspired Australians to return us for a third time.' It was really a triumph of fear over hope, and they campaigned on fear because this government has nothing else left.

Over the past six years they've gutted our Public Service, sent our 21st century National Broadband Network back to the Stone Age, failed future generations on climate change, overseen the lowest wages growth in history and brought the economy to the brink of recession. They couldn't campaign on their record, because their record has been abysmal on just about any measure. And they couldn't campaign on future policies, because their tax package was the only major policy they had. With the bulk of their campaign platform already implemented, those opposite are now faced with the task of running the country for another three years, with no plan for the economy, no plan for wages, no plan for the energy market, no plan for climate, no plan to fix our schools and hospitals after the damage they've inflicted on them, and no plan to tackle the housing and homelessness crisis facing Australia. This government's plan consists of two things: (1) implement the tax package that was ticked off in the first sitting week and (2) the hidden agenda they have now revealed, after the election, which is to attack the union movement.

Among the myriad failures this government has overseen, I'm going to use my contribution in this address-in-reply today to highlight one, and that is the growing inequality in our society. To make matters worse, the latest Household, Income and Labour Dynamics in Australia, or HILDA, survey found that living standards have gone backwards. The HILDA survey finds that real median income in 2017, the latest year of the survey, was lower than when the Liberal came to office in 2013. I particularly want to highlight, as a senator for Tasmania, how the inequality in both wealth and income affects my home state disproportionately.

Before I do this, let me address the two-word phrase that this government raises: every time we talk about inequality, every time we talk about fairness, they accuse Labor of engaging in what they call 'class warfare'. They've taken our advocacy for what is a core Australian value—the fair go—and turned it into a negative. Their use of the phrase class warfare is utterly disingenuous, and it's insulting to imply that Australians are inciting
some kind of conflict when they call on the government to do its job by ensuring that their basic needs are met. There should be no controversy over the idea that every Australian should receive the essential government services they need to stay sheltered, warm, fed, healthy and educated—nor should it be controversial to expect those who have the means to pay for those services and still live a very comfortable life on their remaining funds to do so. Yet those opposite, through their rhetoric, have been very successful in making fairness seem like a vice and greed a virtue.

The irony of their use of the phrase 'class warfare' is that it's actually the Liberals who are engaging in class warfare, but they're doing it on behalf of the wealthiest Australians as well as their mates in big business. It's especially ironic because they throw the class warfare tag at Labor in the course of waging their own class war. It's rhetoric designed to persuade Australians to accept the policies they put forward to widen the wealth and income divide and to reject the policies we put forward that are aimed at reducing the gap.

The Prime Minister, Mr Morrison, says that if you have a go you'll get go, and this underlines the philosophy of the Liberals perfectly. It basically espouses the economic philosophy of conservatives: that wealth is a reward for hard work; anyone can succeed provided they earn their success. It's a variation on former Treasurer Joe Hockey's 'lifters and leaners' quote but expressed in less controversial terms. Consistent with Mr Hockey's declaration about lifters and leaners, the flip side of Mr Morrison's statement is that when you do not succeed in life then it's your own fault—not society's, not the governments, but yours. Contrary to this view, the reality is that many Australians have been having a go for years and are not receiving the just reward for their effort.

I believe there are a number of reasons Labor lost the last election, but our advocacy for fairness was not one of them. I still believe the fair go is a core value of Australians, yet one to which those opposite do not subscribe. I expect few Australians would consider it fair and reasonable that the one per cent of wealthiest Australians own more combined wealth than the bottom 70 per cent or that the two wealthiest people in Australia own more wealth than the bottom one-fifth of the population. That's just two individuals with a combined wealth of around five million of their fellow Australians.

The wealth and income gap in Australia is getting worse, and it's getting worse at a time when families struggle to make ends meet, when young Australian struggle to afford their own home and when three million Australians, including 700,000 children, are living in poverty. Thousands of children living in poverty in one of the wealthiest countries in the world is a situation that I find utterly obscene. What makes this especially obscene is that this government has consciously adopted policies which have made the situation worse, especially in my home state of Tasmania.

When it comes to the standard of living, Tasmania has a number of indicators which lag behind the other states and territories. This makes Tasmania and Tasmanians particularly vulnerable to rising inequality. For example, average weekly earnings in Tasmania are the lowest of any state or territory. The last figures from November 2018 show Tasmanians having average weekly ordinary-time earnings of $1,399, or $206 below the Australian average. Median income data for the greater Hobart area also shows that our capital lags behind all other states and territory capitals on this measure.

Because Tasmanian incomes are low by national standards, our state is impacted more than any other by the record-low wages growth overseen by this government, and it's grossly unfair that growth in the wages of workers, particularly the lowest paid, are being far outstripped by growth in the economy and company profits. The tax cuts passed by the Senate will provide Australia's lowest paid workers with some relief, but more needs to be done. Not only does the government continue to sit on their hands while wage growth stagnates but they are actually making the situation worse. At a time when wage growth is at historic lows, you would think a government with an ounce of common sense would acknowledge that there is a need to restore the balance when it comes to the bargaining power of workers and businesses, yet this government's response is to launch another assault—one in a long series of assaults, I might say—against the trade union movement with their so-called ensuring integrity bill.

They are also doing nothing to ensure that minimum wages provide a decent standard of living. Labor went to the election with a policy of making the minimum wage a living wage. Surely all Australians, even those opposite, see merit in the principle that a full-time minimum wage should be sufficient to provide a reasonable standard of living and that every full-time worker should be able to at least afford the essentials in life. The economy is meant to benefit all of the people, not just the government's mates, yet this Liberal government has overseen six annual wage reviews and at no time in those six years have they supported a real increase in the minimum wage. Instead, they have provided a multitude of arguments against real increases.

This is the same government that has stood by and allowed 700,000 workers in retail and hospitality to have their penalty rates slashed. These are some of Australia's lowest paid workers, who rely on penalty rates to make
ends meet. By the time the cuts are fully implemented on 1 July next year, some workers will be worse off by up to $26,000 a year. Despite members of the government telling us that cutting penalty rates creates employment, not one new job has been created as a result of these cuts—not one. This is a fact that has been conceded by the Council of Small Business Organisations Australia. This demonstrates evidence put to the Fair Work Commission that the theory that cutting penalty rates would generate employment was flawed.

Given the weight of evidence that these penalty rate cuts have failed to achieve their intended purpose, why does the current government insist on doing nothing to reverse them? The only possible explanation is that they are putting the profits of business ahead of the needs of the workers who rely on penalty rates to pay the rent, pay their electricity bill or feed and clothe their children. Their indifference towards the situation of thousands of Australia's lowest paid workers is deplorable.

It's bad enough that the Morrison government is overseeing record low wages growth, but now they're also preparing for an assault on workers' retirement savings. The Prime Minister has failed to rule out supporting a growing movement from his backbench to scrap the scheduled increase in the superannuation guarantee to 12 per cent. Mr Morrison used weasel words to dodge the question on Sky News recently, saying: 

… it's not the Government's intentions or plans to change what's legislated at this point in time.

Note the words 'at this point in time'.

Recent analysis shows that there is a massive gap between the retirement savings of workers and what they need for a comfortable retirement. This gap is even worse in Tasmania, which in 2015-16 had an average superannuation account balance of $129,000 compared with the national average of $188,000. An increase in the superannuation guarantee is badly needed, but Mr Morrison's recently announced review of superannuation appears to me to be setting up the government for a backflip on these scheduled increases. The government needs to rule this out unequivocally and immediately.

I want to now turn to some of Australia's poorest people: jobseekers on the Newstart allowance. The Newstart allowance is currently $278 per week, which just under $40 a day. A number of politicians regularly get asked by the media whether they could live on $40 a day. Who in this place could honestly put their hand on their heart and say that they could? After all, former Deputy Prime Minister Joyce claims that he can't even live on his parliamentary salary. I notice that a number of government ministers have dodged this question when it was put to them. Instead, they respond by saying, 'Newstart is a transitional payment.' It may be a transitional payment for some jobseekers, but in this country we have around 165,000 long-term unemployed—that is, people who have been unemployed for more than 12 months.

In my home state of Tasmania, the rate of long-term unemployment is 1.7 per cent. That is much higher than the national average of 1.2 per cent. This means that around 4,500 Tasmanians have been languishing for over a year on this so-called transitional payment. The state I represent also has a longer average duration of unemployment. It is around 71 weeks, as compared with the national average of 49 weeks. When it comes to Newstart, I urge those opposite to take up the policy of reviewing the payment that Labor took to the election.

Those opposite are steadfastly refusing to even consider raising the rate, and the need for an increase is the only conclusion you can possibly reach if you acknowledge two very simple facts: (1) the rate of Newstart is too low to live on; and (2) despite any government's best efforts to get people off Newstart as quickly as possible, there will be people relying on it for more than a year. How can these people be expected to actively look for work when it's enough of a struggle to afford their basic living expenses?

I know that government members and senators understand that the rate of Newstart is too low, even if they can't bring themselves to acknowledge it. But, while acknowledging that Newstart is too low, there is also a need to address unemployment in my home state of Tasmania, which has lost almost 6,000 jobs in the last 12 months. Instead of taking action to address Tasmania's unemployment rate, which is the highest in Australia, the government has slashed 550 Commonwealth Public Service jobs from the state and threatens another 100 with its plan to privatise visa processing services.

Another area in which Tasmania is particularly suffering from inequality is homelessness and housing, as I outlined in a recent senators' statement speech. In that speech I pointed out that Hobart has become the least affordable capital city in Australia on the Rental Affordability Index and that there are over 3,000 Tasmanians on the public housing waiting list. We also know that 20 per cent more Tasmanians are now accessing homelessness and crisis housing services than were accessing these services two years ago. This government is severely lacking in plans to address the housing and homelessness crisis in Tasmania, or even Australia-wide. They capped the National Rental Affordability Scheme at 38,000 dwellings, and we're still not clear about whether there was a deal to cancel Tasmania's $157 million housing debt or when this will be implemented.
Another way in which this government has furthered inequality is through their savage cuts to essential public services. These are services which the more disadvantaged in society particularly rely on. I mentioned earlier the high rate of long-term unemployment in Tasmania, a situation that is exacerbated by this government's savage cuts to Centrelink. While jobseekers are struggling to get by on Newstart, they are also waiting for hours on the phone to Centrelink, or even getting a dial tone when they just want a simple query answered. Cuts to health hit a state like Tasmania most particularly hard, as we have, on average, an older population and higher levels of chronic disease. The emergency departments in our hospitals are in a state of crisis, with elective surgeries constantly being cancelled, while ambulances are ramping and staff are working double shifts to deal with the overwhelming demand.

Then there are the savage cuts to government schools. There's $14 billion that still hasn't been returned, even though the government fully restored the funding from the cuts to the independent and Catholic schools. This is fundamentally unfair when government schools serve a higher proportion of students with disability and from disadvantaged backgrounds. It is particularly unfair to Tasmania, which has a higher proportion of students enrolled in government schools when compared with the national average. Tackling inequality is not only a just and fair thing to do; it's also economically responsible.

As I pointed out in February last year when speaking on Labor's private senator's bill, the Productivity Commission Amendment (Addressing Inequality) Bill 2017, greater income equality leads to faster economic growth. This is the finding of analysis conducted by the OECD in 2014, backed up by Nobel prize winning economist Professor Joseph Stiglitz. The logic underpinning this is quite simple: those who have less money tend to spend a greater proportion of it. It isn't rocket science.

It is high time the Liberals accepted that their failure to address inequality has led to a situation where economic growth and consumption have slowed and Australia is teetering on the brink of recession. Yet, against the weight of the evidence to the contrary, the Liberals still subscribe to the outdated notion that you can create economic stimulus by looking after the top end of town. They still defend to the hilt the generous tax concessions that go to the wealthiest Australians while also defending their savage cuts to public services such as schools, hospitals and housing. They still conduct an all-out assault on trade unions when it is the union movement which is fighting to ensure that Australian workers, especially our lowest-paid workers, receive just reward for their efforts in driving the economy. And they still prioritise property investors over first home buyers. Why? Because those opposite have abrogated their responsibility for making Australian society more fair and equal. It is at the core of the Liberals' philosophy, and has been throughout the history of their party, that each individual is entirely responsible for their own success or failure in life. But we know that this is not true. My Australia is not one in which individuals clamour over and step on each other to get to the top of the ladder, and I have faith most that Australians subscribe to that view. The individualistic philosophy of those opposite could not be more at odds with Australian values. Australia is the land of the fair go. We believe in helping out people who have fallen on hard times and giving them a hand up when they need it.

We, on this side of the chamber, believe that inequality is an outcome of policy decisions and something that government has a responsibility to address. This is an enduring Labor value, and I can guarantee it would underpin the policies we bring to the next election. Those opposite may well call it class warfare, but we have another word for it: we call it fairness.

Senator STOKER (Queensland) (13:51): I'm so pleased to be back in this chamber to contribute to the debate and to take this opportunity to acknowledge all of the new senators in this chamber in the context of replying to the address given by the Governor-General, because there can be no greater honour than sitting in this place and making your mark on governing what I think is a nation of enormous potential. It is so wonderful in particular to be able to welcome my Queensland colleagues in Gerard Rennick, Susie McDonald and Paul Scarr.

We've recently been through an election campaign. In many ways the tone of it was, I felt, out of step with how so many Australians feel about themselves. In so many ways it flogged class warfare, attempted to turn Australians against one other—neighbour against neighbour, young people against retirees, employees against employers and the well-off against those who are on hard times. The fact that Labor continues down this vein I think is shown by the way that Senator Bilyk has in her address in reply just now talked so much about the top end of town.

The truth is here in Australia we have so much more in common than we have in differences. One of the most common characteristics, a long-held attribute of our culture and our identity, is aspiration. Australians chose a government that values, that understands and that wants to foster that aspiration to grow opportunities for them to chase their own perfect version of a great life—to chase their dreams of a new job or a promotion, to get a home of their own, to pay it off, to provide for their family, to save for their retirement. These are all noble pursuits. I'm
proud to serve as part of a government which puts on its priority list policies which recognise and reward hard work, effort and achievement—something we should always celebrate.

The Treasury Laws Amendment (Tax Relief so Working Australians Keep More of Their Money) Bill 2019, which while being a mouthful nevertheless passed in our first week, is one of the best and earliest examples of how this government is committed to rewarding hardworking Australians. The tax cuts acknowledge that working Australians should be rewarded for their efforts, for their achievements, for doing their overtime or for investing in new skills so that their working value, the amount that they can command as wages of work, increases over and over.

The cuts give immediate relief to low-income earners, people who earn up to $37,000 per annum. It does that by increasing the base offset from $200 to $255 for the 2018-19 tax year. The changes to the base offset flow on to those with an income between $37,001 and $48,000—an increase to 7½c per dollar from the previous level of 3c per dollar. For those on incomes of between $48,000 and $90,000, the benefit from the base offset increase will be great; they will receive tax relief of $1,080.

These tax cuts are sensible, they're fully costed and they're practical. They take the pressure off employers, who are often under the pump, particularly in our small businesses, who often really struggle to make ends meet, and allow our workers to take home a real increase in their wages, giving taxpayers like them more of their own money back. In effect, it gives a wage rise in practical terms: more money in their pockets. And that is as it should be.

The Treasurer and the Minister for Finance did an excellent job in so many areas of the recent budget, and this is one where I think they did particularly good work. Now, passing that legislation doesn't mean we're done, of course; it doesn't mean we plan to sit back for the next 34 months. We have a program that is all about making it easier for Australians to go about their daily lives with minimal interference or input from a big or interfering government, giving them the freedom to choose what they want to do with their money, what they want to do with their lives, while also making sure that we've got the incentives in the right place—and you can always count on this government to put incentives behind people who absolutely want to work and get ahead.

One of the major concerns that ordinary Australians raised with us in the course of the election campaign was the disturbing level of influence that the Australian Council of Trade Unions had over the opposition leader at that time and over the Labor Party as a whole. The leader of the ACTU is in many ways politically tone-deaf to the concerns of people in small businesses—and in bigger businesses—and non-union workers about the often bullying conduct of some unions and some individuals within them. We know that the head of the ACTU is on record as having absolutely no regard for the law unless it's one that she particularly likes and agrees with. But the law isn't optional. We all have to comply with it, and from time to time there are laws that none of us particularly like. That's just the nature of being in a country where we govern for all. It means we are expected to comply with the law even if we don't like it. If the head of the ACTU would like to change the law, she's got an avenue for doing that. But, no, she will just ignore those laws she doesn't like and, indeed, encourage those under her influence to ignore them when it's inconvenient. It's not so hard for them to manage that, given the enormous funds they have in their coffers to be able to pay fines and penalties that reflect that lawlessness.

Over the years, we have seen so many heads of unions exposed for various types of misconduct, whether that's misuse of union funds, cronyism, nepotism, or bullying and intimidation. More recently, this misconduct has raised serious questions about whether the union movement is prepared to tackle tolerance of domestic violence within its own ranks. But, when unions become so powerful that they fear nothing at all, is it any wonder that there are some employers who have to deal with them who are frustrated by their interactions? Is it any wonder that there are many employees that would rather not be compelled to be involved? Tackling lawlessness in unions and holding them to account is vital to business confidence, to productivity and to profitability. These aren't terrible things. 'Profit' is not a dirty word. These are things that allow people to earn higher wages. Businesses need to make money so that they can employ more people. They need to make money so that they can pay more money to the staff they have.

You'd think that those were things that the Labor Party would value, but they don't. In fact, they'd rather get in the way of it, and the policies that they took to the last election concerning re-regulation of the labour market, centrally setting wages and the like were job-killing policies. Those policies don't have anything to do with job creation. In fact, Labor in government would rather be able to centrally set wages at high levels, to their liking, even if that comes at the expense of the many Australians who desperately want a job.

The PRESIDENT: Order! It being 2.00 pm, we'll move to questions without notice.
MINISTERIAL ARRANGEMENTS

Senator CORMANN (Western Australia—Minister for Finance, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:00): by leave—I advise that Senator Birmingham will be absent from question time today due to ministerial business overseas. In his absence, I will represent the Minister for Trade, Tourism and Investment; and the Assistant Trade and Investment Minister, Senator McKenzie, will represent the Minister for Education; and Senator Canavan will represent the Minister for the Energy and Emissions Reduction and the Minister for the Environment.

QUESTIONS WITHOUT NOTICE

Centrelink

Senator GREEN (Queensland) (14:00): My question is to the Minister for Families and Social Services, Senator Ruston. On nine occasions now, Minister Ruston has assured the Senate that debt recovery has not resumed in Townsville. Yesterday I tabled in the Senate a notice issued by Centrelink on 8 July to a Townsville resident impacted by the unprecedented flooding for a debt of $2,000. Given the minister has misled the Senate on nine occasions, will she now apologise to the Senate and correct the record?

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (14:01): Thank you, Senator Green. As I said yesterday, and numerous times before that, the debt recovery pause that was put in place in February in Townsville and a number of postcodes in Northern Queensland was—

Senator Ayres: You know pause means stop, don't you?

Senator RUSTON: Paused, suspended—you can use whatever terms you'd like, senator. However, the pause that was put in place in February remains in place today. I apologise about the technicality of my response coming here, but I'm afraid you're going to have to cop it. Can I just reiterate once again: debt recovery as it was in place in February has not recommenced, I will recommit that statement—that makes it 11 times that I've said it. On 2 July this year, as is normal practice, a compliance activity resumed. On 22 July this year, that issue was brought to my attention and the attention of the minister who is responsible for human services and Centrelink, Minister Robert. At that time, an instruction was given to the department that not only should the debt recovery pause remain in place but that no further compliance activity should occur in the Townsville area or the affected post codes. That has subsequently happened.

Last night, following the receipt of your heavily redacted letter—which was quite difficult to get to the bottom of—I asked the department to undertake a review to determine whether any other such letters as the one that you provided me with yesterday have been sent out in the area that's been affected by this pause. I will report back to this chamber as a result of that investigation, but what I would say and I will continue to say—

The PRESIDENT: Order, Senator Ruston. Senator Green, a supplementary question.

Senator GREEN (Queensland) (14:03): It's good to finally be getting some details, so let's try for some more. Yesterday the minister told the Senate that the pause that was placed on those postcode areas in the Townsville area post the floods remains in place. Yesterday I tabled in the Senate a notice issued by Centrelink on 8 July to a Townsville resident with the postcode 4812. Was this one of the postcodes? If so, why did the pause not apply?

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (14:03): Yes, the postcode that was on the heavily redacted letter was one of the postcodes that was paused. I will reiterate that the income pause that was put in place in February remains in place. I have advised the chamber that I've been advised that on 2 July a compliance activity resumed. On 22 July, when Minister Robert became aware of the compliance activity—this is not debt recovery per se, but compliance activity—and when it was lifted, the minister immediately sought for that to be put back in place. What I will now say again to this chamber is that if there are any people identified by the internal review by the Department of Human Services, or if you have anybody else that you have identified, I will give the undertaking that they will be contacted and advised that there is no debt recovery in place.

The PRESIDENT: Order, Senator Ruston. Senator Green, a final supplementary question.

Senator GREEN (Queensland) (14:05): Let's get a really clear answer. When asked why her own department had contradicted her, the minister told the Senate that her department was wrong. Given that the minister has now had a week to check with her department, what did her department mean when it told the Townsville Bulletin that compliance activity had resumed?

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (14:05): Without wanting to split hairs, I'm advising you that—
Opposition senators interjecting—

Senator RUSTON: debt recovery and compliance activity. I will reiterate that, if anybody is identified through my internal process and the internal process instigated by Minister Robert and the Department of Human Services—if anybody else is identified—we will contact them. If you would like to provide us with the name and details of the person whose letter you provided, we're happy to contact them to say that we will not be pursuing any debts that have been instigated as a part of the compliance process. I stand by my comments that the debt recovery pause that was in place in February remains in place—and has always been in place—and will not be lifted until sometime in the future. I give an undertaking to advise this chamber and the people affected when that pause is to be lifted.

National Security

Senator RENNICK (Queensland) (14:06): My question is to the Minister representing the Minister for Home Affairs. Will the minister outline to the Senate how the Morrison government is demonstrating it is on the side of Australians who chose strengthened national security at the election?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:06): I thank Senator Rennick for the question. On this side of the chamber we are committed to keeping Australians safe from the threat of terrorism. We understand that the fundamental priority of your Commonwealth government must be the security of the nation and the security of the people. We have actually passed 17 tranches of legislation since 2014, when the terrorism threat level was raised to 'probable'. The government is proud of the work that it has done in this place, in the last fortnight in particular, to make our nation more secure. In fact, today we passed further legislation.

We are facing some of the greatest threats our nation has ever experienced. One of these threats is returning foreign fighters. Since 2012, around 230 Australians have travelled to Syria or Iraq to fight with or support groups involved in the conflict. Agencies assess that there are around 80 Australian men and women currently in Syria and Iraq who have fought for or otherwise supported Islamic extremist groups. The advice of our national security agencies is that many of these people are likely to seek to return to Australia in the very near future. The government's temporary exclusion orders legislation ensures that, if an Australian of counterterrorism interest does seek to return to our country, it is with adequate forewarning and in the hands of the authorities. This is critical national security legislation, and I thank senators for their support. I also thank the Senate for their support in passing today the government's ASIO Amendment (Sunsetting of Special Powers Relating to Terrorism Offences) Bill 2019.

The PRESIDENT: Senator Rennick, a supplementary question.

Senator RENNICK (Queensland) (14:08): Minister, why is a strong and consistent approach to national security important?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:08): Senator Rennick, you are part of a government, as you know, that makes no apology for taking strong action to keep Australia and Australians safe. Senator Rennick, you would be aware that there are individuals and groups who are actively seeking to wreak havoc in our community. Since 12 September 2014, when the national terrorism threat level was raised, there have been seven attacks and 16 major counterterrorism disruption operations in response to potential attack planning in Australia. Around 230 people in Australia are currently being investigated for providing support to terrorist groups involved in the Syria-Iraq conflict, including through funding and facilitation or seeking to travel to join these groups. The most important responsibility of a government is to protect its citizens, and that is what we are doing.

The PRESIDENT: Senator Rennick, a final supplementary question?

Senator RENNICK (Queensland) (14:09): How might different approaches put Australians at risk?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:10): What has been on display over the last two sitting weeks is that the Leader of the Opposition cannot get support for critical national security legislation from the extreme left of his own party. What we have seen over the last two weeks is that the opposition's approach to national security has become a chaotic mess. The No. 1 priority of a government must be the security of its nation. Under the Morrison government, we will never, ever make an excuse for putting the security of our nation and the security of Australians as a No. 1 priority.

Conservative Political Action Conference

Senator KENEALLY (New South Wales—Deputy Leader of the Opposition in the Senate) (14:10): My question is to the minister representing the Prime Minister, Senator Cormann. Earlier this year the government banned right-wing commentator Milo Yiannopoulos from entering Australia. Mr Yiannopoulos has described
young Muslims as 'rapefugees' and Islam as 'barbaric' and 'alien'. Can the minister explain why the government banned Milo Yiannopoulos from entering Australia?

Senator CORMANN (Western Australia—Minister for Finance, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:11): These were judgements that were appropriately made, consistent with the provisions in the Migration Act, as I indicated to the chamber yesterday. The Australian government is committed to protecting the community from criminal or other serious harm by noncitizens. All noncitizens who apply for entry into Australia must meet the character test set out in the Migration Act.

A noncitizen can fail the character test for a number of reasons, including where they have a substantial criminal record or where their conduct causes a risk to the Australian community. For visitors who may hold controversial views, as I said yesterday, any risk they may pose will be balanced against Australia's well-established commitment to freedom of speech and freedom of beliefs, amongst other relevant considerations. These are judgements that are made on a case-by-case basis. While we never comment on individual cases, obviously the case that Senator Keneally refers to was approached in the appropriate way, consistent with our laws, and as will all cases be into the future.

The PRESIDENT: Senator Keneally, a supplementary question?

Senator KENEALLY (New South Wales—Deputy Leader of the Opposition in the Senate) (14:12): Mr Raheem Kassam has campaigned against Muslim migration, described Islam as a fascistic and totalitarian ideology and said the Koran was 'fundamentally evil', yet the government is refusing to ban Mr Kassam from entering Australia. Can the minister please explain the difference between Mr Raheem Kassam and Mr Milo Yiannopoulos?

Senator CORMANN (Western Australia—Minister for Finance, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:12): As I indicated yesterday, I fundamentally disagree with some of the views that he has expressed and that you have now related to the chamber. In fact, I object to those views. But I would also make the general point to just further what I've indicated in the primary answer—and I've written this in the letter to the Senate President earlier today too—that the government fundamentally believes in and supports the principles of freedom of thought, speech, expression and association. It is those freedoms which underpin a strong and healthy democracy.

Senator Keneally: My point of order is one of direct relevance. The question was clear: I asked the minister to explain the difference between Mr Kassam and Mr Yiannopoulos.

The PRESIDENT: I'm trying to listen to the minister's answer. I think he's being directly relevant by virtue of the way he is answering the question and highlighting this particular piece of correspondence.

Senator CORMANN: Obviously, everyone who comes to Australia has to comply with Australian laws.

Senator Wong interjecting—

Senator CORMANN: Everyone who comes to Australia must comply with Australian laws. I think that Senator Wong is well aware that we do have laws that appropriately deal with hate speech, vilification and the like. Those laws appropriately deal with those matters. I would say again that the government will always stand against—(Time expired)

The PRESIDENT: Senator Keneally, a final supplementary question?

Senator KENEALLY (New South Wales—Deputy Leader of the Opposition in the Senate) (14:14): Given Mr Kassam's comments and their similarity to Mr Yiannopoulos's comments, will the Prime Minister now instruct the Minister for Immigration to review Mr Kassam's visa?

Senator CORMANN (Western Australia—Minister for Finance, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:14): As I indicated to the chamber yesterday, it would be entirely inappropriate for us to detail individual cases and the consideration of individual cases under the Migration Act in the way that Senator Keneally has invited me to do. If Senator Keneally understood the Migration Act and how that is appropriately administered, she would not have asked me that question.

Climate Change

Senator DI NATALE (Victoria—Leader of the Australian Greens) (14:15): My question is to the Minister representing the Minister for Foreign Affairs. During the fifth Pacific Islands Development Forum Leaders' Summit this week, our Pacific neighbours have joined almost 900 jurisdictions to declare a climate emergency. Minister, do you acknowledge and, more importantly, understand the incredible worry, trauma and fear that our Pacific neighbours are experiencing as they directly watch the impacts of the climate crisis affecting their islands and their very survival?
Senator REYNOLDS (Western Australia—Minister for Defence) (14:15): Thank you, Senator Di Natale for that question. In short, the answer is, yes, we are acutely aware and engaged with our Pacific neighbours on the issue of climate change. That is the direct answer to your question. Can I also say, in relation to the issue that you refer to, which relates to the carryover emissions from Kyoto and the discussion around that, that Australia does have a strong record—

The PRESIDENT: Order! Senator Di Natale, on a point of order.

Senator Di Natale: A point of order on relevance: I didn't actually ask about carryover credits in my question—although it is my next question, and it's good to see that you've been briefed appropriately and may in fact have some form of ESP that you can anticipate—

The PRESIDENT: Order! The point of order—

Senator REYNOLDS: As I said, I not only answered your first question but I anticipated what you were going to ask me in your second question. The answer is: yes, we do.

The PRESIDENT: Senator Di Natale, a supplementary question.

Senator Di Natale: Yes, we do.

The PRESIDENT: Senator Di Natale. Australia does have a very strong record meeting our emissions targets. We have overachieved on our first Kyoto target and are now on track to achieve on our second. The Kyoto protocol established the concept of carryover to encourage countries to overachieve. The Paris agreement does not refer to the use of carryover, and we will know closer to 2030 whether the overachievement will be needed at all.

The PRESIDENT: Senator Gallacher, on a point of order.

Senator Gallacher: Mr President, you've given instructions about relevance of points of order. I take it as standing order 187 and question how a prepared speech can be read in answer to a question without notice.

The PRESIDENT: I understand, to be fair, ministers are known to use briefs to answer questions. I might also make the observation that section 187 has been observed far more in breach than in its observance in my 10 years in the chamber. Even if people think it should be enforced, it hasn't been. But ministers use briefs in answering questions. I call the minister to continue.

Senator REYNOLDS: Thank you very much, Mr President. I was directly relevant. It was asking about Kyoto and carryover, and I was absolutely directly relevant to the question. But Australia will use its overachievement against previous targets to the extent that it's necessary for us to do so. This overachievement reflects meaningful action by Australia to meet our successive targets and is underpinned by rigorous emissions monitoring and accountability systems. By rejecting Kyoto carryover targets before the election, Labor proposed to dramatically increase the cost of meeting its target. (Time expired)

The PRESIDENT: Senator Di Natale, a final supplementary question.

Senator DI NATALE (Victoria—Leader of the Australian Greens) (14:19): In the lead-up to the UN's Climate Action Summit in September, the Secretary-General is going to be asking nations to bring far more-ambitious targets in recognition that current targets have us on track for 3.4 degrees of warming, fundamentally altering life on our planet. Minister, will you consider taking higher abatement targets to the UN in September?

Senator REYNOLDS (Western Australia—Minister for Defence) (14:19): Again, thank you for that question. As I have already said, Australia is meeting our targets, and we are doing so I think very well. But in relation to the Paris Agreement and also emissions reduction, Australia must and will continue to take urgent and effective action to address climate change. We will undertake this as part of a coordinated global effort. Our participation in the Paris Agreement is in the national interest—including our strategic interests, as you have raised, in the Pacific. Our regional and our international partners know that Australia can be trusted to keep our commitments. Australia is committed to our Paris target, reducing emissions by 26 to 28 per cent on 2005 levels by 2030. Our target is
responsible, and it is achievable. Our 2030 target will see us reduce the emissions intensity of our economy by fully two-thirds, and our emissions per person will have halved by 2030—a record to be proud of. (Time expired)

Health Care

Senator GRIFF (South Australia) (14:21): My question is to Minister for Health. I refer the minister to an ABC online story that ran last month about a loophole in the Therapeutic Goods Advertising Code which allows pharmaceutical companies to falsely advertise the purported benefits of their products, in this case opioids, to general practitioners. TGA guidelines only stipulate that marketing and advertising must not mislead consumers. They are silent on the promotion and marketing of prescription drugs to GPs. The story quotes a TGA spokesperson defending self-regulation of the industry by saying, 'It allows the TGA to focus on consumer protection.' Minister, if the guidelines effectively allow doctors to be given false and misleading information by lax self-regulatory codes, are you concerned that doctors could potentially be prescribing incorrect doses or inappropriate products?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:21): I thank Senator Griff for some prior notice of the question. Senator Griff, I've been able to ascertain the following information for you. The government supports the values and principles of honesty, integrity, transparency, accountability and oversight for the relationship of the medicines and medical device industry in its dealings with healthcare professionals. The government is concerned where these principles are not followed. I'm instructed that the TGA is currently seeking further information from Mundipharma to ascertain whether these advertisements have breached the terms of registration. Failing to comply with a condition of registration can result, as you know, in cancellation of the product from the Australian medicines register. There are also criminal and civil penalties for failing to comply with these conditions. It is expected that all medicine sponsors engage constructively with the self-regulatory framework around promotion of products to medical practitioners. The TGA are also engaged with Medicines Australia, who govern the industry code, to ensure that it remains fit for purpose.

The PRESIDENT: Senator Griff, a supplementary question.

Senator GRIFF (South Australia) (14:23): Minister, 'engaging' is a wonderful word, but will the government actually commit to close the loophole and ensure that the code is redrafted at some time, perhaps after consultation, to cover false and misleading marketing to general practitioners?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:23): I would refer to the answer that I've just given you. Certainly the minister will await the advice from the TGA. But in the event that there was a loophole or there was something that was discovered, the minister obviously would take the appropriate action.

The PRESIDENT: Senator Griff, a final supplementary question.

Senator GRIFF (South Australia) (14:23): The latest version of the TGA code that was in fact tabled yesterday not only states that it does not apply to advertisements directed to health professionals but also, for the first time, says that it does not apply to advertisements that are part of or otherwise comprise a public health campaign. Minister, why don't truth-in-advertising rules apply to public health advertisements?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:24): Well, I'd need to take that part of your question on notice. But, again, what I did state in the answer to my first question was that the TGA is currently seeking further information from Mundipharma to ascertain whether these advertisements have breached the terms of registration. But they are also engaging with Medicines Australia, who govern the industry code, to ensure that it remains fit for purpose. So, that is currently occurring, to ascertain.

Australian Defence Force

Senator FAWCETT (South Australia) (14:24): My question is to the Minister for Defence. Minister, this weekend you are going to be attending the Australia-United States ministerial on defence and foreign Affairs. Could you update the Senate on the importance of our defence relationship with the United States?

Senator REYNOLDS (Western Australia—Minister for Defence) (14:25): Thank you, Senator Fawcett, and thank you for your support for such an important alliance that we have. The Australia-United States alliance is the cornerstone policy of Australia's national security. The alliance is all about assuring our defence and our security interests and shaping a peaceful and prosperous region in our area. Our alliance continues to be a contributor to peace and stability in our region and also globally.

This Sunday I will attend the annual Australia-United States ministerial meeting, AUSMIN, the 34th such meeting. Foreign minister Payne and I will host both the US Secretary of State and also the Secretary of Defense. This AUSMIN provides a timely opportunity to discuss critically important issues, including our defence capability relationships.
Through our alliance Australia is afforded unparalleled access to the most advanced technology, equipment and also intelligence—all central to maintaining the effectiveness of our Australian Defence Force. For example, the Air Force is the only air force outside the United States committed to operate the EA-18G Growler electronic attack aircraft.

The alliance also facilitates closer industry cooperation. This in turn strengthens Australia's sovereign defence industrial base, which is a key objective of this government. For example, Australia is also a key partner in the FR-35 Joint Strike Fighter cooperative program. Participation in this program not only enables us to acquire this leading-edge capability, but it also provides the opportunities for Australian companies and Australian workers—like Quickstep, which is developing critical components for the Joint Strike Fighter—to enter lucrative US markets and supply chains. This all means more Australian jobs. These are just some of the great examples of the benefit of our alliance with the United States.

The PRESIDENT: Senator Fawcett, a supplement question.

Senator FAWCETT (South Australia) (14:27): Minister, could you update the Senate on how the defence forces of both Australia and the United States are working together both around the globe and in our region?

Senator REYNOLDS (Western Australia—Minister for Defence) (14:27): Defence personnel from both Australia and the United States continue to work together side-by-side around the world, as we have now for over 100 years, to pursue our shared values and also our shared interests.

In the Middle East, the ADF are working alongside their US counterparts to provide security and stability for the people of Iraq and also Afghanistan. Having recently visited the region, I can confirm that our people are doing work with our partners in the US to make a real difference to the lives of many hundreds of thousands of people in the Middle East.

Today, Australia farewells our next deployment of 270 ADF personnel to the Middle East, to Afghanistan. This deployment represents Australia's commitment to stability in the Middle East and our commitment to working with the United States for global peace and security.

The PRESIDENT: Senator Fawcett, a final supplementary question.

Senator FAWCETT (South Australia) (14:28): Minister, could you outline any other ways that Australia and the United States are working together to ensure Australia's national security?

Senator REYNOLDS (Western Australia—Minister for Defence) (14:28): For over 50 years Australia has worked with the United States to support national security and also global strategic stability through integrated intelligence collaboration at joint facilities right across Australia. Facilities such as Pine Gap in the Northern Territory and facilities like the Australian Defence Satellite Communications Station in my own home state of Western Australia, which hosts a US military communications system manned by both ADF and US forces. This station, located in Geraldton, is receiving US project funding in recognition of the important role intelligence plays in ensuring the safety of both US and Australian personnel deployed overseas. Australia's defence intelligence relationship is one of most tangible manifestations of the depth of our alliance with the United States.

Conservative Political Action Conference

Senator O'NEILL (New South Wales) (14:29): My question is to the Minister representing the Minister for Women, Senator Ruston. After SNP leader Nicola Sturgeon suffered a miscarriage, failed UKIP candidate Raheem Kassam tweeted:

Can someone just like... tape Nicola Sturgeon's mouth shut? And her legs, so she can't reproduce.

Yesterday Senator Cormann labelled the comments as:

disgraceful and highly objectionable and completely outrageous that, of course, I entirely abhor, and I'm sure anyone in this Senate chamber abhors.

Does the minister agree with Senator Cormann?

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (14:30): Yes, I agree with the comments of Senator Cormann.

The PRESIDENT: Senator O'Neill, a supplementary question.

Senator O'NEILL (New South Wales) (14:30): Last night in the adjournment debate Senator Stoker defended Raheem Kassam, saying that preventing his speech would be: 'stupid, impractical and harmful for a civil society.' Who is right: Senator Stoker or Senator Cormann?

Government senators interjecting—

The PRESIDENT: On my right, can I ask for silence during the question so I can hear it.

CHAMBER
Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (14:31): In responding to the senator's question, I continue to support the views of Senator Cormann. However, the way to beat bad ideas, bad arguments and absolutely unacceptable views is through debate, especially with those—

Honourable senators interjecting—

The PRESIDENT: Order! Senator Cormann, on a point of order.

Senator Wong interjecting—

The PRESIDENT: Senator Wong, can I please hear Senator Cormann on a point of order?

Senator Cormann: Obviously interjections are highly disorderly, and, in this case, if the Labor Party wants to show that they're not just trying to be politically opportunistic about this, they should listen to Senator Ruston in respectful silence as the standing orders require.

Honourable senators interjecting—

The PRESIDENT: Order! I'll call Senator Wong when there's silence. Senator Wong, on a point of order.

Senator Wong: I understand Senator Cormann is sensitive about this, because he understands there is a difference between bad ideas and hate speech. This is about vilification.

The PRESIDENT: Order, Senator Wong. I grant some leeway to the leaders of parties—the opposition and the government. Technically any point of order calling someone to account for interjections and asking for order in the chamber is probably the one point of order that's always guaranteed to be in order. I ask senators to remember that.

Senator RUSTON: As I was part way through saying, the way to defeat bad ideas, bad arguments and, in this case, absolutely unacceptable views is through debate, especially with those that we disagree.

The PRESIDENT: Order! Have you concluded your answer, Senator Ruston? Senator Ruston has concluded.

A final supplementary question, Senator O'Neill?

Senator O'NEILL (New South Wales) (14:32): Raheem Kassam once disparaged another female leader, the chair of the Conservative Party, Baroness Warsi, saying she was only: promoted because she was from the densely Muslim populated area of Dewsbury.

Senator Stoker is proud to share the stage with Raheem Kassam. What signal does this send to young women?

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (14:33): As I said to the answer to your previous question, the views that have been expressed in the comments that you've made and the comments that have been quoted in this place are absolutely unacceptable. However, the best way for us to confront these absolutely unacceptable views is to call them out, and the way to call them out is to call them out publicly. It is not by limiting conversation.

Honourable senators interjecting—

The PRESIDENT: Order! Sorry, Senator Ruston. Please resume your seat. I can't hear the minister. It also means I can't rule on a point of order. If I can't hear it means there are 74 others who probably can't hear it either.

Senator RUSTON: As I said, the best way to call out the completely unacceptable views that have been expressed in the questions of those opposite yesterday and today that have been attributed—they're absolutely unacceptable views—is to call them out publicly. And this is not by limiting debate. You need to call them out publicly.

The PRESIDENT: Order! Senator Cormann, on a point of order.

Senator Cormann: Senator Wong continues to be disorderly. It was Senator Wong who campaigned to make Mark Latham Prime Minister, who's also attending that conference.

Honourable senators interjecting—

The PRESIDENT: When I can hear Senator Wong, I will call her. Senator Wong, on a point of order.

Senator Wong: I was responding to interjections from Senator Stoker. I will always stand against racism, unlike her.

The PRESIDENT: I'm going to specifically ask leaders to be particularly strict on the point of orders, to lead by example.

Aviation

Senator McDONALD (Queensland) (14:35): My question is to the Minister representing the Deputy Prime Minister. Minister, given the huge distances in Australia, our aviation industry is vital to keep families, tourists
and businesses moving. Could the minister explain how the Morrison government's amendments to the Civil Aviation Act will help to deliver benefits to aviation investors and users?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia and Deputy Leader of The Nationals in the Senate) (14:35): I thank Senator McDonald for her question. She personally knows well the challenges of those large distances and also the need to have efficient aviation transport to overcome those and support those who live far away from our major centres. I also welcome a question that goes to the real challenges and issues that face Australians out there in the real world. The Liberal-National government does recognise that, too often, changes have been made through the CASA regime that have imposed unnecessary costs with little or no safety benefit but that have come at a great cost to the aviation sector itself. That's why we have progressed changes to the CASA act through the Civil Aviation Amendment Bill that was passed through this place. What that will in effect do is elevate the consideration of such costs from a guideline or minister's statement of expectations to the legislation itself. We are doing that with the intention to ensure that CASA, who make these standards and regulations, are held accountable to the principles that we set. I am sure that Senator McDonald, especially in her role as Chair of the rural and regional affairs and transport committee, will help make sure that there is accountability there and support of general aviation businesses in the sector.

That none of these changes will compromise safety remains the government's absolute commitment to prioritise a safe industry but also ensure it is one that is vibrant and resilient and one that supports Australians—particularly regional Australians, who require and rely on the services to do business, to go about their jobs and to get to and from important appointments, particularly relating to their health. This is a very important sector for our country and for the environment that we live in, and we have a strong commitment to make sure that general aviation in Australia continues to thrive, grow and support all regional Australians.

The PRESIDENT: Senator McDonald, a supplementary question.

Senator McDONALD (Queensland) (14:37): How important is our general aviation sector to regional Australia?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia and Deputy Leader of The Nationals in the Senate) (14:37): As I was saying, Senator McDonald knows well how important the sector is. One case in point is, earlier this year, in the devastating floods that hit north-west Queensland, which Senator McDonald knows well, the general aviation sector was crucial for that immediate first response to help people in danger, to support graziers getting feed and other materials for their household and to their cattle, and to help move cattle as much as possible out of danger's way. The sector itself is a massive one for our country. Directly or indirectly, over 500,000 Australians rely on the aviation sector to their jobs. There is something in the order of 22,000 aircraft that support those jobs in the communities they operate in. There are 255 flying schools right across Australia. We want to make sure that we maintain that support for regional Australia and regional Australian businesses because if we can't fly, those distances become longer than they already are.

The PRESIDENT: Senator McDonald, a final supplementary question.

Senator McDONALD (Queensland) (14:38): Minister, what are the challenges facing the aviation industry in regional areas?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia and Deputy Leader of The Nationals in the Senate) (14:38): The challenges that are facing the aviation sector as a whole particularly affect those in rural and regional areas specifically. There has been a shortage of pilots right around the world. That is having an impact on all Australians, but it particularly impacts the general aviation sector in regional areas, which rely heavily on getting those pilots and attracting people into these roles. That's why the government has announced in this year's budget an increase in the cap for aviation students through the VET FEE-HELP support program from $100,000 to $150,000 to help train pilots and to ensure that we have more trainee pilots graduate, come through with qualifications, and we increase the supply of pilots over time. I congratulate the airlines that have established flying schools in regional centres, which will help increase the supply of pilots through regional Australia. Centres are going forward in Toowoomba, Tamworth and Mackay to help ease these pressures. This will also make sure that, over time, we continue to have a strong and vibrant aviation sector for Australia.

Vocational Education and Training

Senator WATT (Queensland) (14:39): My question is to the Minister for Employment, Skills, Small and Family Business, Senator Cash. On 14 July the minister posted two tweets following a meeting she had with the CEO of a Western Australian firm Stirling Skills Training. In the tweets the minister endorsed the firm as an, 'integral part of the vocational education scene in Perth for over 30 years.' Can the minister confirm that her own regulator, the Australian Skills Quality Authority, has cancelled Stirling Skills Training's registration for non-
compliance on 16 grounds, including failing to ensure marketing information is accurate and factual and for issues with training, assessment, strategies and practises?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:40): My understanding, Senator Watt, is that the matter is currently before the AAT, being appealed.

The PRESIDENT: Senator Watt, a supplementary question?

Senator WATT (Queensland) (14:40): Thank you for anticipating my next question. Can the minister confirm that Stirling Skills Training, the firm about which she tweeted, is currently appealing the cancellation of its registration in the AAT, and that, while the appeal is underway, the Australian Skills Quality Authority has ordered the firm to neither enrol nor train additional students? Why did the minister think it was appropriate to endorse this firm?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:41): I was unaware at the time when I met with the firm that this was the case. The only thing I discussed with them was youth unemployment. As I said, the matter is currently under appeal before the AAT.

The PRESIDENT: Senator Watt, a final supplementary question?

Senator WATT (Queensland) (14:41): Why should Australians have confidence in a cabinet minister whose office leaks police raids on union offices and now promotes a business that her own agency has deregistered?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:42): I obviously completely reject the premise of the question, but it has now given me an opportunity to spend the next 55 seconds talking about how on this side of the chamber we cleaned up the mess created by the former Labor government when it came to vocational education within Australia. When, I think, the former Leader of the Opposition, Mr Shorten, was the relevant minister, he actually ripped the guts—

The PRESIDENT: Order! Senator Watt, on a point of order?

Senator Watt: It is on relevance. As much as we enjoy Senator Cash in full flight, she hasn't answered the question, which is why anyone should have confidence in her.

The PRESIDENT: Senator Watt, if you ask a question phrased like that, it is relatively easy for a minister to be directly relevant to it.

Senator CASH: As I was saying, under the former Labor government, they actually ripped the guts out of the employer incentives when it came to taking on apprentices. That actually resulted in a decline in the number of young people going into apprentices. But they didn't stop there, colleagues. That wasn't good enough. They wanted to destroy the sector even further. And so they introduce a system—a total complete and utter disaster—known as VET FEE-HELP. Yet again we came into office and cleaned up their mess, so Australians can have confidence in those of us on this side of the chamber.

Pharmaceutical Benefits Scheme

Senator HUGHES (New South Wales) (14:43): My question is to the Minister representing the Minister for Health. Can the minister outline to the Senate how the Morrison government is demonstrating it's on the side of Australians who choose affordable medicines by updating us on what medicines will be listed today on the Pharmaceutical Benefits Scheme and the life-changing benefits they provide?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:43): I thank Senator Hughes for the question, and I commend her on the work that she has done in relation to autism. On this side of the chamber, we are very proud to be part of a government that understands that the benefits of a strong economy include providing for the essential services that Australians rely on. One of these essential services is the Pharmaceutical Benefits Scheme. We are investing $40 billion through to 2022 in the listing of life-saving and life-changing medicines. There can be no greater example of the benefits of running a strong economy than our ability to do this.

Mr President, you would be aware that the government is averaging around 31 new or amended listings per month. This equates now to approximately one additional listing or amended listing per day. I'm also pleased to report to the Senate and to Senator Hughes that today we have listed further medicines that treat cancer, cystic fibrosis and arthritic conditions. We have listed Avastin for refractory glioblastoma, which is an aggressive brain cancer. Over 900 patients will benefit, with a saving of around $31,000 per year. We have also listed Sprycel. This will save numerous patients over $51,000 per year. This is for treating Philadelphia-positive acute lymphoblastic leukaemia. Somatuline has also been listed for endocrine tumours.

This shows that this government is on the side of the Australian people. We've got a strong economy and we're able to realise the benefits of a strong economy.
The PRESIDENT: Senator Hughes, a supplementary question.

Senator HUGHES (New South Wales) (14:45): Is the minister aware of any examples of who might benefit from these listings?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:45): The listings on the PBS coming into effect today will change the lives of thousands of Australians. We are only able to do this because of our strong economic management. Today we've extended the listing of Kalydeco for the treatment of cystic fibrosis to children aged from 12 to 24 months old. In Australia, one in 2,500 babies is born with cystic fibrosis each year. That's one every four days. Sadly, there is no cure. Kalydeco will help these young children to breathe more freely and manage their illness.

Without our strong economic management, without our being able to list this PBS subsidised medication, patients may pay up to $300,000 a year for this medication.

The PRESIDENT: Senator Hughes, a final supplementary question.

Senator HUGHES (New South Wales) (14:47): Is the minister aware of any alternative approaches to managing the Pharmaceutical Benefits Scheme?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:47): As a government, we have a strong track record of investing in our health system, including increasing funding for hospitals, increasing rates of bulk-billing and, as I've outlined today, investing in valuable medicines on the PBS. That is in stark contrast to the last Labor government. The last Labor government stopped listing life-changing medicines on the PBS because they ran out of money. In fact, in their 2011 budget the last Labor government published the following:

…but the listing of some medicines would be deferred until fiscal circumstances permit.

That is what happens when you don't appreciate the benefits of a strong economy and the dividends that it can provide to Australians.

Minister for Energy and Emissions Reduction

Senator McALLISTER (New South Wales) (14:48): My question is to the Minister representing the Treasurer, Senator Cormann. In relation to his responsibilities as environment minister and to the meeting between Minister Taylor and members of the environment department, the Treasurer has said:

A meeting was sought by Angus to understand the technical aspects of the listing process …

… … …

A briefing was given and no changes have been made to the listing.

Was the Treasurer aware of the member for Hume's personal financial interest in the grasslands matter prior to agreeing to the briefing?

Senator CORMANN (Western Australia—Minister for Finance, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:48): Obviously I can't give an answer in relation to the state of mind of another individual, but what we do know is that Mr Taylor at all times appropriately disclosed his private interests, consistent with the rules as they apply in the House of Representatives.

The PRESIDENT: Order, Senator Cormann. Senator McAllister, on a point of order.

Senator McAllister: Yes. I go to relevance. I have asked specifically whether or not the Treasurer was aware of this. It is a question of fact, and the minister can't dismiss or ignore the direct question about the knowledge of the Treasurer at that time.

The PRESIDENT: Senator McAllister, I think, to be fair, the minister did directly answer that part of the question in his first couple of sentences, and he is entitled to be directly relevant to that or a remainder of the question.

Senator CORMANN: Honestly, this is just a continuation of this attempted smear by Labor. This is against a hardworking local member and hardworking minister. But the truth is that Minister Taylor has declared all of his interests, consistent with the requirements in the House of Representatives and consistent with the way interests are declared by those opposite. He also stood up for his constituents in pursuing a policy issue that had been raised with him by farmers across his electorate—indeed, as documented by National Farmers Federation in a widely publicised piece of correspondence.

It has been very clear, and no amount of smearing attempted by the Labor Party has been able to show, that Minister Taylor in any way raised matters that he shouldn't have raised. Minister Taylor has always made it clear that he did not raise compliance matters, as he shouldn't. The Labor Party, at no point, has been able to show that the minister was wrong in those statements.
The PRESIDENT: Senator McAllister, a supplementary question.

Senator McALLISTER (New South Wales) (14:50): Freedom-of-information documents reveal that, in April 2017, Minister Frydenberg's office requested advice from the environment department on whether the grasslands listing could be varied against advice, without publication and without being open to legal challenge. Why was this advice sought?

Senator CORMANN (Western Australia—Minister for Finance, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:51): That is not a matter in the Treasury portfolio but a matter in the Environment portfolio, and I will seek appropriate advice and provide the appropriate response on notice.

The PRESIDENT: Senator McAllister, a final supplementary question.

Senator McALLISTER (New South Wales) (14:51): In relation to Minister Frydenberg's request for advice in April 2017 on whether the grasslands listing could be varied against advice, without publication and without being open to legal challenge, at whose request did the minister's office seek that advice? Can the minister guarantee that the request was not the result of representations by Minister Taylor?

Senator CORMANN (Western Australia—Minister for Finance, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:51): Again, obviously, Senator McAllister—Senator Wong interjecting—Senator CORMANN: No, no, I'm just answering. Senator McAllister clearly doesn't know how to address the question to the responsible minister, but in an abundance of helpfulness—Senator Wong: Mr President—The PRESIDENT: Senator Wong, I actually was in discussion with the Clerk then, so I did not hear what Senator Cormann said. Senator Wong.

Senator Wong: Mr President, the primary question and what the supplementaries are grounded on is a statement made by Mr Frydenberg. Therefore, it is entirely in order to address the question to the Minister representing Minister Frydenberg.

The PRESIDENT: If I'm incorrect, I will come back to the chamber next time we sit, but a minister can be quizzed on a statement made, even if it is outside their portfolio. It is therefore, in my view, in order, even though it is a minister representing, for that minister to be asked a question about what the minister they're representing has said, even if it is outside their portfolio—with the necessary limitation, obviously, as Senator Cormann said, that they are limited in what they can say about someone else's thoughts.

Senator CORMANN: Let me just say, whether it was Senator Watt or Senator McAllister who asked a question of the wrong minister, I would have made the same point, so I object to that interjection of 'mansplaining' before.

The PRESIDENT: I'm not sure if there's a point of order, Senator Wong. There's a point of debate on what Senator Cormann has said. Senator Wong.

Senator Wong: Mr President, the leader of the government—I may have misunderstood him; I'm prepared to concede that—to be disputing your ruling.

The PRESIDENT: No, I didn't interpret it like that. Senator Canavan, on this point of order?

Senator Canavan: On this point of order, could I just clarify too that that second supplementary only referred to advice sought by the Minister for the Environment. Obviously, Senator Cormann is not representing the Minister for the Environment. I took your overall ruling there, Mr President, as going to the question as a whole, but the second supplementary was only in reference to advice sought by the Minister for the Environment, whom Minister Cormann is obviously not representing at the moment.

The PRESIDENT: The assertion was made that it was about a statement. Firstly, I will take that at face value. Secondly, the second supplementary did use words that were contained in the first supplementary. On that basis, I do allow a supplementary to follow on in that regard, in referring to a statement earlier.

Senator CORMANN: In any event, given that this is something that is squarely in the portfolio responsibility of the Minister for the Environment, I will receive the appropriate advice from the Minister for the Environment and come back to the chamber.

Biosecurity

Senator DAVEY (New South Wales—The Nationals Whip in the Senate) (14:54): My question is to the Minister for Agriculture. Can the minister update the Senate as to how the Nationals and the Liberals in
government are backing Australians who choose to back rural and regional Australia by working with new and emerging technologies to improve the detection of biosecurity risks?

Senator McKENZIE (Victoria—Minister for Agriculture and Leader of The Nationals in the Senate) (14:55): Thank you very much, Senator Davey, and thank you for championing rural and regional New South Wales in your time here. Australians are well-known for our innovation and for applying new technologies to develop solutions—the black box flight recorder, the electronic pacemaker, Google Maps, the cochlear implant and the medical application of penicillin, to name just a few. The Liberal-National government is tapping into the fantastic Australian innovation culture and collaboration in many spaces to ensure we continue to manage our ever-increasing biosecurity risk.

We have some of the highest biosecurity standards in the world. But the price of pest- and disease-free status is vigilance and a tough biosecurity regime, which is why we as a government have invested over $300 million in improving and updating our biosecurity over the coming years. Hitchhikers, these terrible pests and pathogens that find their way into vessels, bulk cargo and shipping containers, are a particular focus of our biosecurity attentions. Hitchhikers include pests like the red imported fire ant, the giant African snail, the Asian gypsy moth and the brown marmorated stink bug. Read The New Yorker if you want a good read on that one.

Our stringent standards are here to ensure that we keep these pests out, and we're always looking for more innovative ways to help people meet our standards. That's why we've been working with industry to seek innovative solutions with small to medium-sized businesses to develop solutions to those problems through a grants program. Just this week, four companies were awarded grants under the initiative to develop new technologies to detect these hitchhikers on or in our shipping containers, and we look forward the seeing this technology progress and benefit all our border protection and biosecurity efforts.

The PRESIDENT: Senator Davey, a supplementary question.

Senator DAVEY (New South Wales—The Nationals Whip in the Senate) (14:57): Thank you, Minister. Can you explain what the risks of pest and disease incursions are to farmers, their local communities and, more importantly, the wider Australian community?

Senator McKENZIE (Victoria—Minister for Agriculture and Leader of The Nationals in the Senate) (14:57): Thank you very much, Senator. The risks are very real. Just one pest, the red imported fire ant, would have a potential impact of $1.5 billion a year nationwide if it were to become established. We know that the state of Texas in the USA is already spending $1.2 billion a year to control the ant, repairing the damage it causes and covering medical costs. Our sugar cane farmers do not want to have these pests in their crops, but we also, similarly, as community members, don't want them in our barbecues or in our kids' playgrounds.

The risks are real. They impact our farmer's ability to export their clean green produce and they impact our communities. The number of consignments arriving via the air cargo pathway is growing, as are the risks. Volumes have increased from 15 million consignments in 2011-12 to 50 million just this last financial year. There are 2.5 million consignments inbound on international arrivals by air—

The PRESIDENT: Order, Senator McKenzie. Senator Davey, a final supplementary question.

Senator DAVEY (New South Wales—The Nationals Whip in the Senate) (14:58): How will the development of these new technologies benefit Australian agriculture and therefore all of Australia?

Senator McKENZIE (Victoria—Minister for Agriculture and Leader of The Nationals in the Senate) (14:58): These will help us maintain protection from pests and diseases and boost our biosecurity status. We need a strong biosecurity status to build on our premium exports of food and fibre. Without exports, we can't grow agriculture. Without agriculture and food and fibre production and processing, we lose jobs, many of them in rural and regional Australia. There are over 1.6 million people employed in the food and fibre industry across Australia. Maintaining our pest-and-disease-free biosecurity status is essential to those Australians having sustainable and profitable career options in and around regional communities. Tough biosecurity measures underpin our trade efforts, ensuring that we can confidently attract a premium price for our premium product in the markets of the world.

Minister for Energy and Emissions Reduction

Senator AYRES (New South Wales) (14:59): My question is to the Minister representing the Prime Minister, Senator Cormann. When did the Prime Minister first become aware that Minister Taylor had an association with Eastern Australian Irrigation, a company registered in the Cayman Islands?

Senator CORMANN (Western Australia—Minister for Finance, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:59): I'll have to take that question on notice.

The PRESIDENT: Senator Ayres, a supplementary question.
Senator Ayres (New South Wales) (14:59): I refer to Minister Taylor’s statements in the House of Representatives that he has disclosed interests in accordance with the rules. Has Minister Taylor disclosed to the Prime Minister any income or other benefit derived from consultancy fees to Eastern Australia Agriculture, Eastern Australia Infrastructure or any of their other associated entities?

Senator Cormann (Western Australia—Minister for Finance, Vice-President of the Executive Council and Leader of the Government in the Senate) (15:00): The Prime Minister has full confidence in Minister Taylor and the fact that he has declared all of his interests consistent with the rules. I will take on notice the other parts of the question.

The President: Senator Ayres, a final supplementary question.

Senator Ayres (New South Wales) (15:00): We’ll try to get somewhere with this line of questioning. Is the Prime Minister aware of whether Minister Taylor or any of his associated entities or indirect interests received any payments, income or benefit from the $80 million water buyback from Eastern Australia Agriculture?

Senator Cormann (Western Australia—Minister for Finance, Vice-President of the Executive Council and Leader of the Government in the Senate) (15:01): I will take that question on notice. I don’t accept the premise of the question, because I’m obviously not necessarily going to accept everything just as fact because the Labor Party puts it here in the public domain in this way. In the context of the question that has been asked, I will see what I can appropriately provide on notice. Mr President, I ask that further questions be placed on the Notice Paper.

Privilege

The President (15:01): Senators, I take this opportunity to make a couple of statements to the house about matters relating to the Senate. Firstly, the pass system in Parliament House, like other security and information systems, is managed by the Department of Parliamentary Services, under the authority of both Presiding Officers, on behalf of the parliament. Under conventional notions of the control of the parliamentary precincts, and under the Parliamentary Precincts Act 1988, the powers of the Presiding Officers to manage and control the precincts apply subject to the resolutions of either house.

This means that the administration of these security and information systems is constrained by the powers, privileges and immunities of the houses and their members. In any question of parliamentary administration, proper regard needs to be given to these matters.

In this regard, I endorse and restate advice given to the Senate Committee of Privileges by the former Clerk of the Senate that:

… proper consideration of the powers, privileges and immunities of the Houses and their members … is a primary consideration for any officer or employee of the parliamentary service. An understanding of the powers, privileges and immunities of the Houses and their members should underpin any policy that is formulated or any administrative action that is taken by a parliamentary department or its staff.

When the new CCTV code of practice was enacted in August last year, it was explicitly updated to recognise that the administration of that system was subject to the privileges of the houses and their members.

In particular, the code was updated to constrain access to stored images so that—where it appeared that a request for access to images might raise questions of privilege—the request required the approval of the Presiding Officers.

This constraint was intended to alleviate the risk that the system might be used in a manner which might interfere with the ability of senators and members to freely undertake their duties in this building.

The code was also amended to require that officers involved in the administration of the system undertake relevant training in privilege matters, which is now routinely provided by the two house departments.

Ensuring this protection in managing these systems is my highest priority.

Senators have indicated a desire to see that similar protections apply to the use of the new swipe card Electronic Access Control System.

Although, I believe there is a minimal risk that the operation of the system will raise questions of privilege, it is nevertheless my view that the policy under which the system operates must contain the same constraints upon its use.

The new swipe card system has been activated in part of Parliament House, but currently only in a trial phase in the Senate, including my own office.
In my view, this operation requires an interim approval of policy to manage it, the information it collects and ensure issues of privilege are respected and protected.

In enacting this interim phase, no data from the system will be released without the approval of the Presiding Officers. This is a stricter standard than is in place under the revised CCTV policy.

If I approve any such release relating to the Senate or a senator, I commit to reporting it to the Appropriations, Staffing and Security Committee and also informing the Committee of Privileges.

As with all such matters, I will consider any such question of privilege in consultation with any senator affected, and with the advice of the Clerk.

To ensure the final iteration of the policy reflects the protections required, I will seek the approval for a small working group of senators to work jointly with members of the other place to finalise the operative provisions and rules of the policy and ensure that privilege the issues are comprehensively considered and that there is general acceptance of its features.

Senator O’NEILL (New South Wales) (15:05): by leave—I move:

That the Senate take note of the statement.

As chair of the Senate Privileges Committee, I welcome your statement and thank you for providing the committee with a briefing on this matter at a meeting this morning. Since its inquiry into an incident involving the improper use of the parliament CCTV system in 2014, the committee has taken a close interest in the administration of security systems in Parliament House and the policies that underpin that administration. In its 160th report on that matter, the committee concluded that the problems with the administration of the code which became subject of the committee's inquiry arose principally through interpretations of the code which gave insufficient weight to the ordinary meaning of its language; interpretations which gave insufficient consideration to the code's security focus and the context in which it was introduced and operates; a disregard for the powers, privileges and immunities of the parliament which necessarily constrained administrative action under the code; and a failure to recognise that decisions about the application of privilege are matters for the parliament, not for parliamentary administration.

In that report on the CCTV matter, the committee called for the CCTV Code of Practice to be revised in a manner which restores the focus on matters of security and safety and emphasises accountability to presiding officers and the parliament, with appropriate regard for the primacy of the powers, privileges and immunities of the houses and their members. Further, after a number of helpful discussions with your predecessor and yourself, the committee formed the more general view that policies for the administration of security and information systems in Parliament House should specify that the administration of the system and the powers given to officers under such policies are subject to the powers, privileges and immunities of the parliament which necessarily constrained administrative action under the code; and a failure to recognise that decisions about the application of privilege are matters for the parliament, not for parliamentary administration.

The accountability required in an instrument like the CCTV Code of Practice is not a bureaucratic or technical requirement. The purpose of those accountability requirements is to ensure that decisions are made by the right people, and that they are made in any informed way. The CCTV system is managed by DPS, under the authority of the Presiding Officers, but its operation is necessarily constrained by the powers and immunities of the Houses and their members. When a conflict arises—or appears to arise—between the exercise of an administrative function and any aspect of those powers and immunities, the committee considers that determination of that conflict must begin with accountability to the source of the power being exercised.

I appreciate, Mr President, that you have undertaken to apply these principles in the implementation of an interim policy for the EACS and in developing a final policy in conjunction with a working group of senators and members.

On behalf of the Privileges Committee, I also note and appreciate your willingness to provide reports on requests to access data retained by the EACS to both the Appropriations, Staffing and Security Committee and the Committee of Privileges at the same time as you approve such access. This will ensure that senators are informed of the uses and requests for the data maintained by the system. From the perspective of the opposition, I flag we have identified a number of concerns about the way in which the new swipe-card system was initiated and rolled out. The opposition will be making further comment about those matters when the Senate returns in September.

Senator ABETZ (Tasmania) (15:09): For completeness, can I indicate, as deputy chair, that in general terms I fully support that which the chair has just indicated to the Senate.

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (15:09): I seek leave to continue my remarks later.
Leave granted; debate adjourned.

STATEMENT BY THE PRESIDENT
Clerk of the House of Representatives

The PRESIDENT (15:09): I would like to make another brief announcement. Today is the last day that the Clerk of the House of Representatives will sit in parliament. David Elder joined the House of Representatives staff in 1981. He has served the House of Representatives in various capacities now for 38 years and, after serving in senior roles, such as Serjeant-at-Arms, was appointed Clerk in 2013. His official retirement is next week but, given the extraordinary service of Mr Elder, and given that we all in both chambers rely upon and immensely respect the service of all the officers but particularly the senior officers, upon whom we rely for such advice, it is worth noting that. He has given extensive, longstanding and excellent service to the House of Representatives and through that to the broader parliament and to the community of Australia. I note that in the other place there are going to be more detailed mentions of his service.

Honourable senators: Hear, hear!

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Pacific Labour Scheme

Senator REYNOLDS (Western Australia—Minister for Defence) (15:10): Yesterday during question time I took on notice a question from Senator Chisholm, and I'd like to respond now. In answer to the question, the government is responding to the genuine need of employers who cannot find enough Australian local workers to meet their labour needs. Australia is firmly committed to growth of the Seasonal Worker Programme and the new Pacific Labour Scheme, which deliver outcomes for Pacific Island countries and also for Australian businesses. The Pacific Labour Scheme commenced on 1 July 2018, and since that date 217 Pacific workers have taken up work opportunities in Australia through the scheme. We're confident that the Pacific Labour Scheme will grow substantially. Our experience from the Seasonal Worker Programme indicates strong growth, but over time. In 2018-19 there was 44 per cent growth compared to the previous year—that is, in 2017-18 8,459 workers were granted visas, and in 2018-19 that grew to 12,200. Australian businesses use a mix of visa programs to meet their increasing labour needs. Pacific labour mobility programs are a government priority. Matters relating to the issue that Senator Chisholm raised on the Working Holiday Maker visa program should be referred to the Home Affairs portfolio.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Conservative Political Action Conference

Senator WATT (Queensland) (15:12): I move:

That the Senate take note of the answers given by the Minister for Families and Social Services (Senator Ruston) and the Minister for Finance (Senator Cormann) to questions without notice asked by Senators Green, Keneally, O'Neill today relating to debt compliance and the Department of Social Services.

Unfortunately, we are already seeing a continuation under the government in this term of the steady trend towards the far Right that we saw from this government in the last term. We may be in a new term of parliament, the third term for this Abbott/Morrison/Turnbull government, but it's the same old Liberals and Nationals, the same old dog whistling, and the same old pandering to the far Right of politics. Who can forget, in the last term, the debacle where we saw the Liberals and Nationals vote for an extreme right-wing motion put forward, I think it was by Senator Hanson, that 'It's okay to be white.' We were told at the time that that vote was actually due to some sort of administrative error. The actions of the same nature that have been revealed during question time this week cannot be blamed on an administrative error, because we are now seeing the open endorsement of extreme right-wing hate speech by figures within this government. Before the last election, we saw many moderate members of the Liberal Party flee the parliament, and it's increasingly clear that we're now left with what is an increasingly conservative rump. They are the true leaders of the Liberal Party in this place.

The government says that hate speech is the price of free speech. I utterly reject that, and Labor utterly rejects that. Hate speech is not free speech. Hate speech is different. Hate speech incites hatred and violence, and it is grounded in someone's personal characteristics: it's about attacking someone because of their race, their religion, their sexuality, their gender. That is not the normal cut and thrust of debate. That is something quite different, and something that of all of us should stand against. What has given rise to this is the revelation that at least two members of this government intend—and have been advertised as—participating in and appearing on stage at the Conservative Political Action Conference. That's a conference that's going to be attended by high-profile right-wing extremists, including US Congressman Matt Gaetz, best known for inviting Holocaust denier Charles C Johnson to the State of the Union—a man who asked for help in taking out a Black Lives Matter activist and
denying that over six million Jewish people were murdered in the Holocaust. In addition, that conference will be addressed by failed UKIP leadership candidate Raheem Kassam whose actions include labelling the Koran as 'fundamentally evil' and insulting, in the most offensive way possible, British politician Nicola Sturgeon. Also in attendance will be some known to us in this chamber and in this parliament, including former Prime Minister Tony Abbott and, of course, Queensland LNP Senator Amanda Stoker and Liberal MP Craig Kelly.

Those you associate with does say something about you. Senator Stoker has made an active choice to share a stage with right-wing extremists, such as the two that I've just mentioned. She's not required to attend this conference by virtue of her membership of a political party or anything of the sort; she has made an active choice to share a stage with these right-wing extremists. The government's lack of concern about this conference and, in fact, its participation in this conference is appalling. How can government members promote the kind of hate speech that is being spouted by those attending?

I was encouraged yesterday when Senator Cormann described the various statements made by speakers at this conference as abhorrent, disgraceful and completely outrageous, but unfortunately overnight we've seen Senator Stoker double down, saying that the CPAC program is 'packed with incredible speakers who've got some great ideas to share.' She has also suggested that the idea of banning the attendance of Mr Kassam would be 'stupid, impractical and harmful for a civil society'.

Today, we've seen Senator Cormann backtrack from his earlier remarks. He's changed his position on this conference and he's released a statement that informs us:

The attendance of current and former members and senators at CPAC is a matter for those individuals. Their attendance at this conference does not imply agreement or endorsement with the views of any of the other speakers attending in any way.

Unfortunately, Senator Cormann has gone from thinking this was abhorrent to now approving of participation. Clearly, overnight we've seen the hard right of the Liberal Party lay down its instructions and get him to change position. We must take a stand on right-wing extremism and not support it. (Time expired)

**Senator STOKER** (Queensland) (15:17): What a great opportunity this is to deal with some of the rubbish we have had served up in the last two question times. I'm going to start by taking some of the points that have been served up in the warm slop that has just been provided by Senator Watt. Not once but twice he has taken the statement I made yesterday, quoted it out of context, twisted it, and cut and pasted it somewhere else, so I'm going to help him out. I'm going to provide the words I supplied in context, because in context they make a whole lot more sense than the nonsense that's been spurted by those people on the other side.

Let's get in there. It goes a bit like this. If we're doing our job properly as politicians, we will talk to people from all walks of life every day and we won't agree with them all. Trying to shame into silence anyone who would speak to a person who is wrong on an issue damages our capacity to have a constructive democracy. When we're confronted with people with whom we disagree, the answer isn't to pretend that you're too good to walk into a room with them. The answer isn't to carry on, virtue-signal and make out you are as nice as pie—so good that you wouldn't even walk near these people. Instead, the answer is to engage with people who have wrong-headed ideas. The answer is to talk to them about why their view is wrong and why it should shift. To do anything less than this means inhabiting an echo chamber of people who all think exactly the same way. You know what? That explains a lot about the Labor Party: they only talk to themselves. That's why they think that you can't even walk into a room unless you have checked out the backgrounds of every single person who's in the room to see whether they have the same preconceived ideas that you do.

You know what, let's get to the direct quote that they have taken out of context. I said, 'Their ideas, their deplatforming nonsense means that you couldn't walk into a room without doing background checks on everyone in it. That's stupid, impractical and harmful for a civil society.' That's what I said. I didn't say it was stupid and impractical to condemn bad beliefs. I think the views of Mr Kassam are stupid, childish and wrong. But there's a very, very big difference between a person, who is an ex-Muslim man who is now an atheist—part of the same ethnic minority—who has now made a decision that he opposes radical Islam and when he talks about it he's talking about his own experiences. He is a man from the very same ethnic minority criticising the group with which he was raised.

The views of Labor here are, in fact, actually rather bigoted. Why should some faiths, some ideas, be immune from the ordinary battle of ideas? The ability to take each other on, think about what they've got to say and let the good ideas rise to the top. This should not be a strange thing. You know what, they're going to make out they're perfect and pure, that they never hang out with people who do anything wrong. We all know the people that Senator Keneally hangs out with have a fabulous record on corruption. We know that Senator Wong likes to hang out with a bloke by the name of Benjamin Law, who quite happily talks about how he would like to hate F U C K my parliamentary colleague Mr Hastie—
The DEPUTY PRESIDENT: Senator Stoker, please resume your seat. It is not appropriate to use that language in any form at all, whether directly or indirectly. I'll ask you to withdraw.

Senator STOKER: I'll withdraw it, though I'm not quite sure how I'm—

The DEPUTY PRESIDENT: Senator Stoker, please resume your seat. This is a ruling of the President. I've asked you directly to withdraw. I don't want any ifs or buts. Please withdraw.

Senator STOKER: I'll happily withdraw it. Though I confess I don't know how I'm supposed to—

The DEPUTY PRESIDENT: Senator Stoker, instead of arguing with me when I've ruled, I would urge you to read the President's order. I would ask you to simply withdraw and continue without any other remarks.

Senator STOKER: Of course I withdraw. When there are views like that coming from Senator Wong, and the company she keeps, she is in no position to preach about the way that people treat one another. People would be suggesting that that kind of conduct is an appropriate way to treat other people in this parliament based on their beliefs genuinely held. I am not going to be preached to from people on this side who make out that they are holier-than-thou. They are so muddled headed, so weak in their thinking and so willing to think that anyone who walks into the same room, by definition, has the same beliefs. Any sensible person can see that that defies logic. It makes absolutely no sense. If we are doing our job properly as politicians, we talk to all people and we convey ideas that are right. We don't grandstand and we don't virtue signal, but we do respect free speech.

Senator O'NEILL (New South Wales) (15:23): I think the speech that we just heard is a perfect example of grandstanding. I raise serious concerns about the fact that a senator from this place thinks it's appropriate to share a platform with a man who's made the most outrageous comments, which were in the question that I put to Senator Ruston.

I want to declare at the beginning that I absolutely believe in freedom of speech. I also believe in freedom of people to manifest their religion, freedom of movement, freedom of association, and freedom to form unions and fight for the rights of hard-working Australians. But I don't believe in freedom to spew hate. That is something I don't believe in.

Senator Stoker would have us believe that this is about having a conversation. We're way past the point of a discussion about ideas when you're standing in a public place, at a platform in the public community, with a man who does not deny that he tweeted a comment into the public space—about the Scottish National Party leader, Nicola Sturgeon, who had recently suffered a miscarriage—that said, 'Can someone just, like … tape Nicola Sturgeon's mouth shut? And her legs, so she can't reproduce.' This man is a public figure with remarks of that kind on the public record. If Senator Stoker really believed that this was a conversation worth having, she could send him a letter. She could get him on the phone. She could have a conversation with him in private if she felt so obliged. But instead she has chosen, in her role as a senator, to stand on a platform with this man.

Yesterday, we had a view that was offered to us by Senator Cormann. Yesterday, this was his view: he condemned that language from Mr Raheem Kassam as 'disgraceful' and 'highly objectionable'. He said yesterday it was 'completely outrageous'. Senator Cormann said yesterday 'I entirely abhor it'. 'I'm sure anyone in this Senate abhors it,' he also said yesterday. But today, he had a different tune. He's indicated, as was reflected in the great contribution from my colleague, Senator Watt, that he's stepping back from that natural abhorrence at what can only be described as hate speech. This government has the capacity to prevent the harm that comes from having voices like Raheem Kassam's broadcast further into our community.

I can tell you what I don't like as an Australian, as a member of the Labor Party and as a senator in this great parliament. I don't like people who vilify those I live in the community with. I don't want to give a platform to voices of hate. I'm up for every decent discussion of ideas, but hate speech is a lot more than just a bad idea and this man is a propagator of hate speech and will be at a forum that will be filled with people who can't wait to hear the kind of hate that he wants to spread. That is not good for our democracy. There is a difference here. It needs to be understood and the line needs to be drawn. But, just as Senator Cormann, in his statement overnight, walked away from that fair, rational and reasonable judgement of Mr Raheem Kassam's statements yesterday, we have a government that is failing to use some of the legislation that they so often crow about. Section 501 of the Migration Act exists so that a minister has the power to refuse the visa of an individual of such a character. The minister can refuse the visa if there is a significant risk that an individual would vilify a segment of Australian community or incite disorder or represent danger to them during their time in Australia. This government can act. At the very least, they should counsel Senator Stoker and give her the opportunity to have the conversation that she keeps talking about. But standing on a platform giving a speech and lending the credibility of her role here as a senator to such a man is a failure of democracy. (Time expired)

Senator McDonald (Queensland) (15:28): For somebody who is so outraged about giving a platform to this man, a man who—thanks very much to Labor's determination to give him a platform—I had to Google, I
appreciate enormously that Senator O'Neill has taken the trouble to repeat his comments at least three times this afternoon. If this person did not have a platform before, Labor has done his job for him. It is extraordinary. I think that the Senate has now descended into the same sort of language that she declared to abhor.

I think it is frankly bizarre that this afternoon, once again, the opposition has raised the same issues that we have heard them go on about this week and that the relevant ministers have answered. I understand that members of the opposition might be confused and that they do really believe that these are the issues that are so burningly important to the mums and dads across Australia and even union members across Australia. It would be terrific if they took the same level of interest in the issues facing real people and, importantly, farmers right across Australia. But we know that Labor is not interested in real issues for real people. We know that because, in my home state of Queensland, not only has the Labor government passed impractical regulations and removed the ability for landholders to manage their land but, on 18 June this year, the Queensland Labor government's trigger maps were labelled a joke after the maps showed Suncorp Stadium, in the middle of Brisbane—and I'm sure the New South Wales members here would be very familiar with Suncorp Stadium—as a high-risk area where endangered or vulnerable plants were present or likely to be present. It seems extraordinary that the turfed area of 'The Cauldron', that highly sacred place for Queenslanders, would have turned up as a high-risk vegetation management area. But we know that Labor are not interested in the real issues for real people, particularly real farmers. In fact, they are doing their very best by banding together with the Greens to ensure that there are no farmers and no food is grown in Australia at all.

They have no understanding or interest in the issues that are important to regional Australia, to the sort of professionalism and innovation that's happening out in the real world, where people have real issues and a real agenda. Unfortunately, Labor has no agenda and, instead, has spent this week, and this question time, again giving a platform to—I'm going to have to look the person up again, because this person had no profile, had no recognition at all in Australia until Senator O'Neill managed to put his comments into Hansard three times this afternoon.

Who can forget the debacle of the recent federal election where the Labor Party took policies to the Australian people, policies that the Australian people told Labor, in no uncertain terms, were not relevant or useful to them. Australia is a wonderful country but, if you listened to Labor, you would think we are quite broken. I can tell you we are not a broken country at all. I can only congratulate the members of the Labor Party for taking what they deem as hate speech and giving it a very high profile. It is unfortunate.

Senator GREEN (Queensland) (15:32): I rise to take note of the question I asked Senator Ruston today, a question that Senator McDonald has just referred to as not a 'real issue'—not a 'real issue' that people in Townsville are receiving debt notices despite not having yet recovered from the unprecedented flooding that took place in February. This is an important issue, and I want to do it justice by going through the chronology and making it clear that this is something that needs to be dealt with and not minced around with.

On 17 July, The Guardian reported that Centrelink had recommenced robo-debt in Townsville despite a quarantine being in place. On 18 July, I met with the Townsville legal centre and confirmed with them that robo-debt had recommenced in Townsville. It's that easy: there was an article, I went to Townsville, I asked if it was happening and I found out it was happening. On 23 July, I asked the minister in the Senate why robo-debt had recommenced in Townsville, and she said that there had been no commencement of debt recovery in Townsville. That was her answer. The same day, though, her department, the Department of Human Services, told the Townsville Bulletin that compliance activities had resumed. I want to make that clear: the department said, on 23 July, that compliance activity had resumed. So, the day after that, I came in again and I gave the minister a chance to explain why, according to reports and firsthand discussions with the Townsville legal centre, people were getting debt letters in Townsville. Again, she assured the Senate that debt recovery had not resumed.

Yesterday I tabled a debt notice from a recipient in—would you believe it?—Townsville who had received a debt letter from Centrelink on 8 July. When we brought that letter to the minister's attention, didn't things start to get a little bit shaky! So today I again asked the minister why a person in Townsville affected by the floods had received a debt notice letter—a demand to pay money now. Again, instead of getting a straight answer, we got weasel words and split hairs. Frankly, it is hard to believe some of the answers that are coming up. The department says one thing and the minister says another, so either of two things is happening here. Either there's gross incompetence happening or there's just complete disregard for the people of Townsville. When faced with this uncomfortable truth, what does the government do? True to form, they deny and they play the person. The minister tried to say that she was extremely disappointed in me.

Minister Ruston and Minister Robert in the other place have unsuccessfully tried to split hairs over what constitutes debt collection. The minister wants people in Townsville to accept that a letter telling a recipient that they owe over $2,000 does not constitute debt recovery. If I get a letter demanding that I pay a debt in four weeks,
that sounds like debt recovery to me. Nobody is suggesting that a legitimate debt should not be paid back, but we've got to let this community get back on its feet before sending around debt collectors, particularly when we know that these so-called robo-debts are often incorrectly calculated in the first place.

When we have a look at this chronology, another very important question that is yet to be answered is: where in all of this is the new member for Herbert? Where is he? He's gone missing. This was one of the first tests of his leadership, and he has gone missing when the most vulnerable members of his community need him most. Townsville residents are hurting, and they shouldn't be harassed by the government for debts that they may not even owe. The pursuit of vulnerable, traumatised people receiving Centrelink benefits is, at best, ill-conceived and, at worst, callous. The minister said yesterday that she was extremely disappointed in me. Well, I say this: I am extremely disappointed in the minister and, on behalf of the people of Townsville, I am extremely disappointed in the member for Herbert.

Question agreed to.

**Climate Change**

Senator McKIM (Tasmania) (15:37): I move:

That the Senate take note of the answer given by the Minister for Defence (Senator Reynolds) to a question without notice asked by Senator Di Natale today relating to climate change.

Question put and passed.

Senator Di Natale quite rightly raised the issue of the fifth Pacific Islands Development Forum leaders' summit, held this week. He referenced the fact that our Pacific neighbours have now joined over 900 jurisdictions worldwide to declare a climate emergency and have asked relevant parties to the Kyoto protocol to refrain from using carryover credits as abatements for emission reduction targets. As Senator Di Natale made clear in his question, this was squarely aimed at Australia, as there is no other country that intends to rely on these credits in order to keep polluting its atmosphere.

What we got from the government was, quite frankly, a pathetic response to Senator Di Natale's question. The government has confirmed today that it does intend to rely on an accounting trick to try to con the world, and con Pacific island nations in particular, that it's taking the requisite strong action on the breakdown of our global climate. Let me assure the government that the Earth's atmosphere and our climate cares not one jot for accounting tricks. What it cares about is the total amount of carbon-equivalent gases that we emit into it.

We are in a climate emergency. Our climate is breaking down around us. Our house is on fire. And, when we are in a war situation, we're quite quick to establish war cabinets to try and take the politics out of our response to those crises. Well, where's our war cabinet today when we are facing an existential threat to, at the very least, the survival of our civilisation and potentially the survival of humans and a species? Seriously, even birds know not to foul their own nests, but here we are fouling our own nest.

I say to government members and also to the Labor Party—who still is in love with the coal industry, as we've seen by the establishment this week of a group, the Parliamentary Friends of Australian Coal Exports, with members from both major parties involved in the establishment of that group—if you can't feel the social contract fracturing, if you can't feel the very foundations of law and order, the rule of law and trust in our most precious institutions, crumbling, you are simply not paying attention to what is going on. And those foundations are crumbling for many reasons. The trust deficit is spiking for many reasons. But primary among them is our collective failure as policymakers and lawmakers to take strong enough action in response to the breakdown of our climate and the extinction crisis that we are facing.

I say something to young people: I'm so very, very sorry for our failings. My generation is collectively stealing your future by refusing to take anything like the strong concerted action that we need to address the climate emergency. And, of course, one of the real tragedies of that situation is that the people in here making these decisions, or in fact not making the requisite decisions, will not be around to face the full consequences of our failures; or, if we are around, we'll be wealthy enough to escape the worst of those consequences. It's poor people, it's our children and our grandchildren, and Pacific island nations that will disappear forever under sea-level rise that will pay the price for our criminal negligence.

Question agreed to.

The DEPUTY PRESIDENT: Pursuant to an order agreed this morning, I call the minister.
MINISTERIAL STATEMENTS

Ministerial Standards

Senator CORMANN (Western Australia—Minister for Finance, Vice-President of the Executive Council and Leader of the Government in the Senate) (15:42): As I've previously advised the chamber, the Australian government takes allegations of illegal activity very seriously. Everyone is required to abide by Australian law, that includes casino operators, public officials and visitors to our country. Our law enforcement agencies are working hard to disrupt and deter criminal groups by collecting evidence and intelligence about financially motivated crime.

On 30 July 2019, the Attorney-General referred allegations of corruption involving the Department of Foreign Affairs and Crown Casino to the Australian Commission for Law Enforcement Integrity. The referral related to media reports about allegations of potential corruption with respect to interactions between employees of Crown Casino and officers of the Department of Home Affairs. As these allegations have now been referred to the Australian Commission for Law Enforcement Integrity, it would not be appropriate to comment further. I'm also advised the Prime Minister is not aware of any of his ministers breaching ministerial standards in relation to this matter.

Senator McKIM (Tasmania) (15:43): I move:

That the Senate take note of the explanation.

What an outrageous insult to a collective decision of the Senate we have just seen from Senator Cormann. He did not answer a single one of the questions that the majority of this Senate earlier today demanded that he answer. For clarity, those questions were: whether the Prime Minister has investigated claims made against ministers regarding Crown Resorts which could breach ministerial standards. We still don't know. All we got was the absolutely insulting platitude that the Prime Minister is not aware of any such activities. Well, if he's not investigating them, how is he going to become aware of them? I think we can take it from that that in fact the Prime Minister is not investigating these allegations—which, to be clear, were made against two government ministers. And why is he not investigating? Because he doesn't want to know if his ministers are behaving corruptly or not. No wonder the trust deficit is spiking so massively in this country, and no wonder people are losing confidence in the collective decisions we make in this place and the institutions of our democracy.

The second question was, if the Prime Minister has not investigated the allegations, why he has not done so—no response whatsoever. We still don't know whether he's investigated them or is investigating them, because Senator Cormann refused to tell us today. If he is investigating them, the third question the Senate asked today and required a response to was what the terms of reference and time lines for the investigation are and when the findings will be released. Well, who knows the answer to that? There was no response to that at all, not even an attempt to address it, from Senator Cormann. And the fourth was whether the Prime Minister considers that ministerial standards have been breached. I want to make this point: these are the Prime Minister's ministerial standards. They are the ones he should be insisting that ministers abide by and conform with. But he might as well have just screwed them up and thrown them over his shoulder, because he quite literally and obviously does not care whether his ministers are behaving corruptly or not.

We get the platitudes that the Attorney-General has referred allegations to ACLEI, the Australian Commission for Law Enforcement Integrity. Well, tell us something we didn't know already, Senator Cormann. We knew that yesterday. And, for the record, let's be very clear about what ACLEI's role is and what its jurisdiction is. Objects of the Law Enforcement Integrity Commissioner Act 2006, section 3:

(1) The objects of this Act are:

(a) to facilitate:

(i) the detection of corrupt conduct in law enforcement agencies; and

(ii) the investigation of corruption issues that relate to law enforcement agencies;

Also:

(c) to prevent corrupt conduct in law enforcement agencies; and

(d) to maintain and improve the integrity of staff members of law enforcement agencies.

The one thing that Senator Cormann's statement today revealed was that in fact the allegations that have been referred off to ACLEI relate to allegations of corrupt conduct between Crown Resorts and the Australian Border Force.

When you go to ACLEI's website—this was downloaded from their website only 30 minutes ago—it says that ACLEI detects, disrupts and defers corrupt conduct in high-risk Commonwealth law enforcement agencies, including the Australian Criminal Intelligence Commission; the Australian Federal Police; the Australian
Transaction Reports and Analysis Centre; prescribed aspects of the Department of Agriculture and Water Resources; the Department of Home Affairs, including the Australian Border Force; and any other government agency prescribed by regulation under the Law Enforcement Integrity Commissioner Act 2006. Well, try as I might, I couldn't see politicians included in ACLEI's jurisdiction, and that is of course because we are not. We are not included in ACLEI's jurisdiction. ACLEI cannot, and I'll repeat it, cannot investigate, under the terms of its act, allegations of political corruption—that is, corrupt behaviour by politicians, including senators and including government ministers.

So, we've got a situation where the government's referred very convenient aspects of the allegations that have been raised publicly this week—allegations of serious corrupt behaviour by ministers—off to an agency that actually is proscribed and prevented from investigating allegations of corruption against ministers by the very terms of the act under which it operates. This is a cover-up. This is a stitch-up. This is a protection racket. The government is protecting corrupt ministers. No wonder people are losing confidence in this place.

If you ever needed an argument as to why we need a federal anticorruption authority with real teeth and the powers that it needs to investigate allegations of corruption against politicians and government ministers, here is a living, breathing argument—in fact, the strongest living, breathing argument I have seen for some time. We need an ICAC now, and we need it not only to root out corrupt behaviour by politicians but to try and restore even a small fraction of the loss of trust in the democratic institutions of our society, including this very parliament, that has occurred in our community in recent years.

Well, the protection racket goes on. The stitch-up goes on. It is true that ACLEI may refer certain matters that it uncovers to other law enforcement agencies, but that relies on ACLEI electively stumbling across allegations or evidence of corrupt behaviour by government ministers in the course of an investigation that is actually targeted somewhere else entirely—towards allegations of corrupt behaviour from Crown Resorts and Australian Border Force officers.

Let's be clear here. It's good that there's going to be an investigation into those matters, but that investigation will not, and cannot, investigate the other allegations that were made, which are that ministers pressured senior Australian Border Force officials to grease the wheels for highrolling clients of Crown Casino—to process their visa applications on a fast track and swing them in through immigration with either little or no control by the Australian Border Force. And what happened? These allegations are that highrolling clients of Crown Resorts were whisked from aeroplanes into limousines, straight out the gates of the Melbourne airport at Tullamarine, down to Crown Casino, picking up the sex workers on the way, getting deliveries of drugs on the way and partying for days, including heading off on wombat hunts, where they buzz down the windows of their luxury limousines and blow away a few wombats.

This is Australia we're talking about here! This is supposedly a land and a people that support egalitarianism, where everyone is treated equally. Well, no, that is not modern Australia. In modern Australia if you've got the cash you get the special treatment; if you're a member of the wealthy elite you get special access and special favours from government, even if it compromises what this government claims is one of its priority policy areas: border security.

We in the Greens will not rest until we have got to the bottom of these allegations. And Minister Cormann's pathetic response to a motion passed by the Senate earlier today just makes us more determined. We will not let this cover-up go. We will not let this protection racket continue. We will get to the bottom of it and we will continue to prosecute our argument for a federal ICAC so that we have the agencies we need to get to the bottom of serious allegations of corruption such as these. (Time expired)

**Senator WATERS (Queensland) (15:54):** I wish to take note of the minister's very feeble and brief response. Earlier today the Senate asked the representative of the Prime Minister to come and give an account of the extremely dodgy allegations, which have been aired throughout the media and in this chamber all week, of special treatment being given to international highrolling gamblers—who in some cases have criminal backgrounds and might not otherwise be let into Australia on the basis of our visa requirements—and of how ministers and senior officials in the Home Affairs department had been pressured, and had then pressured the relevant officials, to bend the rules to let these high-flyers in.

Now, these are allegations about ministers. I would have thought that the Prime Minister would want to find out who on earth those people are and tell them to stop making his entire government look so dodgy. That's why all week we've been asking: what are you doing to investigate this? Name these ministers. Are they still in cabinet or have they moved on? Who are these people and what are you doing about this scandal? It's the latest in a long line of scandals. We just heard from Minister Cormann, who didn't voluntarily come to tell us absolutely nothing but was compelled to come here—and, sadly, he did tell us absolutely nothing. But what he did say was that the

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**CHAMBER**
Prime Minister was not aware of any breaches of the ministerial standards. How convenient! When you don't even ask and you don't even investigate, of course you're not aware of any.

The Prime Minister is putting his head in the sand because he doesn't want to know. Well, I'm afraid we have ministerial standards, a code of conduct, for a reason. If the Prime Minister is going to continually ignore the breaches—at the very least, alleged breaches—of these ministerial standards, why does he bother to even have them on the books at all? Give up the charade. It is perfectly clear the Prime Minister doesn't give a damn about enforcing his ministerial standards—he clearly has no standards—so why bother with the charade?

That's why we need a federal anticorruption body, as my colleague has just attested to so well. That's why for 10 years the Greens have been pushing for a federal anticorruption body. We are now the only jurisdiction that doesn't have an anticorruption body. Every state and territory has an anticorruption body. They call them different names, but basically they do the same thing. The federal government doesn't have one, but, boy oh boy, we have seen example after example of why one is needed.

In recent weeks, it started with former ministers Pyne and Bishop being in flagrant breach of the ministerial standard for a cooling-off period before going off to earn money in the area that you previously regulated. They don't care about those rules. The Prime Minister is not doing anything about that. Then it came to ministers Taylor and Frydenberg, who look like they've had a very cosy relationship, trying to dodge environmental laws. Now there are allegations about ministers—potentially, sitting ministers, in cabinet—getting pressured, and bought off by the $700,000 in donations from Crown, to fast-track visas, when they won't even let asylum seekers come here lawfully. It's the height of hypocrisy. The donations flow to both sides of politics; we know this. There was $550,000 to Labor from Crown, almost as much as the $700,000 to the coalition from Crown. It's time we got rid of dodgy donations buying access and policy outcomes.

That is exactly why we need an independent, well-resourced, strong federal anticorruption body. I reintroduced a bill to do just that today. It's a model that the experts have proposed. We back it. It needs resourcing, but it's got independence; it's got broad scope; it's got the ability to have public hearings; and it's got the ability to take anonymous tip-offs from the public, which is how most of the scandals at the state level have been discovered and investigated. We can fix this. Instead, today we have the Prime Minister's representative saying, 'There's nothing to see here,' and they've sent this dodgy matter off to a body that can't even look at the source of the problem. How very convenient, when that agency is hobbled and can't actually investigate the corruption at the heart of this scandal.

We will continue to push for an anticorruption watchdog, because the public deserve better and deserve that we here in this place treat our duties with more respect. There's clearly a lot of conduct that I would consider to be unacceptable—I would go so far as saying corrupt. There is a clear need for an anticorruption body. The Prime Minister's representative did absolutely nothing today to reassure this chamber that the Prime Minister is taking any of these allegations seriously. That's why we'll keep pushing for a federal anticorruption body and it's why we'll keep pushing to clean up dodgy donations that buy off the big parties in this place.

Question agreed to.

BUDGET
Consideration by Estimates Committees

Senator DEAN SMITH (Western Australia—Chief Government Whip in the Senate) (15:59): I present additional information received by the Education and Employment Legislation Committee relating to the estimates.

Rural and Regional Affairs and Transport References Committee
Report

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (16:00): At the request of Senator Sterle, I present the report of the Rural and Regional Affairs and Transport References Committee on the provision of rescue firefighting and emergency response at Australian airports, together with the Hansard record of proceedings and documents presented to the committee. At the request of Senator Sterle, I move:

That the Senate take note of the report.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.
Thursday, 1 August 2019

COMMITTEES
Community Affairs References Committee

Government Response to Report

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (16:00): I present the government response to the report of the Community Affairs References Committee on its inquiry into ParentsNext and seek leave to have the document incorporated into Hansard.

Leave granted.

The documents read as follows—

Australian Government response to the Senate Community Affairs References Committee report:
ParentsNext, including its trial and subsequent broader rollout

Introduction

The Australian Government welcomes the Senate Community Affairs References Committee (the committee) report of March 2019 on ParentsNext, including the program’s trial and subsequent broader rollout.

The Government thanks the committee for its report and the many people who took the time to provide submissions and appear as witnesses.

The ParentsNext program aims to:
• reduce welfare reliance and intergenerational welfare dependency
• increase female labour force participation
• help close the gap in Indigenous employment.

It supports these aims by helping parents plan and prepare for employment before their youngest child starts school.

ParentsNext was designed and implemented with a focus on meeting the needs of parents. It is flexible, recognises parents’ caring responsibilities, does not require them to look for work, and incorporates family friendly sites and activities. Parents negotiate and agree to their activities and plans. Program eligibility is targeted, providing early intervention to parents on Parenting Payment who are at risk of long-term welfare dependency. While participation is compulsory for most participants, exemptions and valid reasons for non-attendance are available for those who are unable to participate.

The Government remains committed to the ParentsNext program. The national expansion has helped more than 93,300 parents to plan and prepare for employment by the time their children turn six. Since the national expansion (1 July 2018 – 30 June 2019):
• Over 25,000 parents commenced education
• Over 15,200 parents commenced employment
• Over 1,300 parents exited due to stable employment.

The ParentsNext 2016-2018 evaluation report shows participating in the ParentsNext trial generally increased parents’ attitude to work, wellbeing and their chances of being in study or finding work. In addition to these findings, the department is undertaking a further evaluation to assess the effectiveness of the expanded program.

The Government is taking positive steps to improve the program including:
• reducing reporting requirements for parents in the program
• providing reminders to parents to attend and report their attendance at activities to reduce the incidence of payment suspensions
• expanding the range of exemptions that Services Australia can grant to parents who are genuinely unable to participate in the program.

These changes are being progressively implemented with some elements having already commenced. The Government will continue to work with stakeholders and the community to identify opportunities to enhance the program. As required, it will also take steps including adjusting program guidelines, improving communications or correcting provider behaviour.

The Government notes the committee’s recommendations, and continues to review processes and settings to ensure the program meets stated objectives.

Recommendations made by the committee

Recommendation 1

The committee recommends that the ParentsNext program should not continue in its current form.

Government response—Not Supported.

The Government remains committed to the program. Evidence from the ParentsNext evaluation shows that the ParentsNext trial was effective in increasing parents’ wellbeing and resulted in higher rates of work and study.

The Government has recently made a number of changes to improve the program including:
• removing activity reporting requirements for participants in full-time study
• ensuring participants do not need to report activity attendance more than once per fortnight
• allowing providers to remove reporting requirements for flexible activities such as online study or research activities
• simplifying exemption claims by expanding the exemptions Services Australia applies
• sending two reminder messages to participants to attend and report their attendance at activities to reduce the number of parenting payment suspensions

The Government will continue to identify further opportunities to make program improvements.

### Recommendation 2

The committee recommends that ParentsNext be reshaped, through a process of co-design with parents and experts, into a more supportive pre-employment program which meets the needs of parents and acknowledges and addresses the structural barriers to employment which they face.

**Government response—Noted.**

During the rollout of ParentsNext, the Department of Employment, Skills, Small and Family Business (the department) undertook a substantial consultation process with stakeholders, including providers, parents, peak bodies and community and Indigenous organisations.

As part of implementing the Government's changes described above, the department has consulted with key stakeholders who have been broadly supportive of the changes.

The department is committed to ongoing engagement with parents and key stakeholders to identify opportunities for program improvement. This collaborative approach reflects the Government's desire create a ParentsNext program that genuinely supports parents to prepare for employment.

### Recommendation 3

The committee recommends that Centrelink, the Department of Jobs and Small Business and all ParentsNext providers review their strategies for communication with ParentsNext participants to ensure that messaging is consistent and clearly sets out what the program is, what is required of participants and participants' rights under the program.

**Government response—Supported.**

The department regularly reviews government communication products for participants. The department is updating existing ParentsNext information and creating new information for participants, including web content, FAQs and an updated fact sheet. The department is considering procuring a specialist communications consultancy to refine these materials to the target audience.

Several key documents are already translated into the ten languages in highest use by participants in the program and the department is arranging for the Participation Plan and supporting material to be developed into an audio translation for Indigenous languages.

### Recommendation 4

The committee recommends that the Department of Jobs and Small Business consider sanctions against ParentsNext providers who are found to have pressured or coerced participants into signing the Privacy Notification and Consent form, or have suspended a participant's payment by recording ‘Misconduct’ for an appointment when they refused to sign the form.

**Government response—Noted.**

The department has written to all provider CEOs highlighting that parents are not obliged to sign the Privacy Notification and Consent form and that failure to do so does not result in suspended payments. The department is also exploring changes to the Privacy Notification and Consent form, and the associated guideline, to clarify its purpose.

If a provider is found to have pressured a participant into signing the form, the department will take appropriate action under the ParentsNext 2018-2021 Deed (the deed).

The department has reviewed all instances where ‘Misconduct’ has been recorded and found no evidence of a provider coercing a participant into signing the Privacy Notification and Consent form at the initial appointment.

### Recommendation 5

The committee recommends that ParentsNext providers ensure that their employees are trained in areas such as disability awareness, cultural sensitivity and domestic and family violence to ensure that the services they deliver and the activities to which they refer participants are appropriate, sensitive and suitable to the needs of individuals.

**Government response—Noted.**

To be awarded ParentsNext business, providers had to satisfy the department that they would deliver services to vulnerable parents in their local community appropriately. This included the ability to support parents in a culturally competent way and supporting those who are experiencing violence and trauma or living with disabilities.
The department is embarking upon a range of training for provider staff and will consider including specialised domestic and family violence targeted training which will build upon their existing skills levels. The department is also considering avenues for enhanced Indigenous cultural competency training.

The department has engaged a consultant to develop a toolkit for providers to better support the delivery of culturally appropriate services for Indigenous participants.

**Recommendation 6**
The committee further recommends that where a ParentsNext provider does not have the specialised knowledge to provide appropriate pre-employment services to a participant with specific needs, participants should be referred to another ParentsNext provider, or an alternative pre-employment or social service program which does.

**Government response—Noted.**
Providers link participants to services in the community delivered by other local service providers where specialised services are required.

Parents in the program can transfer to a new provider, either by mutual agreement or through the department's National Customer Service Line. Reasons for transfer include for better servicing.

**Recommendations made by the Labor Senators:**

**Recommendation L1**
For participants, the first appointment with a ParentsNext provider should remain mandatory.

**Government response—Noted.**
This is a continuation of the status quo.

**Recommendation L2**
Participants who miss the first appointment should be given the opportunity to address their failure to attend before any suspension is imposed.

**Government response—Not supported.**
This recommendation is inconsistent with the Targeted Compliance Framework (TCF). Under the TCF, attendance at ParentsNext initial appointments has increased from 65 per cent during the ParentsNext trial (ParentsNext 2016) to around 78 per cent in the current program.

Under existing arrangements, participants generally have several days to re-engage after missing their initial appointment before a suspension affects their Parenting Payment which is administered by Centrelink. This is because Centrelink generally avoids scheduling a participant's initial ParentsNext appointment close to the reporting day for their Parenting Payment.

Parents can and should contact their provider prior to the appointment if they are unable to attend and the provider will reschedule to a more appropriate time.

The changes the Government has made in response to Recommendation 1 should significantly reduce the frequency of payment suspensions.

**Recommendation L3**
Continued participation in the program, following the first appointment, should be by agreement between the provider and the participant. Compliance obligations should not apply to activities undertaken by agreement.

**Government response—Not supported.**
As discussed in the department's submission, both the ParentsNext trial evaluation and evidence from earlier similar pilots showed significantly better results when the activity requirements were compulsory. As such, the Government does not support this recommendation as it will undermine the program's effectiveness.

**Recommendation L4**
Providers' staff should be trained in recognising disclosure of domestic violence and in referring victims and survivors to specialist services.

**Government response—Noted.**
To be awarded ParentsNext business, providers had to satisfy the department that they would deliver services to vulnerable parents, including supporting parents dealing with violence and trauma. The department has given, and continues to give providers access to training resources.

The department will review the domestic and family violence response training undertaken by ParentsNext provider staff. Using this information, the department will consider making domestic violence training mandatory for all ParentsNext provider staff or delivering specialised domestic violence targeted training.

**Recommendations made by the Australian Greens:**

**Recommendation G1**
The Australian Greens recommend that the use of the Targeted Compliance Framework for recording and reporting participation in ParentsNext be ceased immediately and not included in any future redesign.
Government response—Not supported.

Ceasing the operation of the TCF would undermine the effectiveness of the ParentsNext program. ParentsNext attendance at appointments has increased from 66 per cent during the ParentsNext trial (before the TCF) to around 80 per cent in the current program (under the TCF).

Recommendation G2
The Australian Greens recommend that the compulsory referral to ParentsNext of any eligible person receiving Parenting Payment be ceased immediately.

Government response—Not supported.

The Government does not agree with this recommendation, as the evidence shows that having compulsory activities improves the program's effectiveness and that the most disadvantaged participants would not participate if the program was voluntary.

Senator SIEWERT (Western Australia—Australian Greens Whip) (16:01): I move: That the Senate take note of the document. I thank the government for its response, in a timely manner, I've got to say. Sometimes we've waited quite a long time for responses, so I thank the minister. I'd like to make a number of points about the response from the government to our recommendations. I note that the government's not supporting a number of them. The first one is that the committee recommends that the ParentsNext program should not continue in its current form, which is hugely disappointing because I continue to receive complaints about the ParentsNext process.

I will say thank you to the government for taking on board some small changes that have been made, particularly about the reporting process which was extremely onerous and attracted during the inquiry some significant comment. However, we are still receiving complaints about the process in terms of privacy. I note the government noted our comments on privacy and sanctions where our recommendation was that the committee recommends that the department consider sanctions against ParentsNext providers who have been found to have pressured or coerced participants into signing privacy notifications. The government notes that and says that they have been exploring changes to the privacy notification and consent scheme and that they've told providers that they are not obliged to sign the privacy notification consent form. I will be following this up further with the government to outline what those changes are to the privacy notice and also the changes to the deed that are under consideration, as I understand it.

We have been receiving feedback that parents—and I'll remind the chamber: the bulk of the people on this program are women, and 68 per cent of the participants are single parents—that they are still being coerced into signing privacy waivers. That is deeply concerning for the women who are being forced or coerced into signing these privacy waivers. I note that the department says that they have reviewed the instances of 'misconduct' and found no evidence of providers coercing participants. I'm giving notice to the government that I'll be following that up, because I'd like to know how they were verifying that or investigating that when, as I said, I'm still receiving advice that parents are being coerced into signing those documents.

There were also a large number of people that were very concerned about getting suspensions under the TCF, and I will continue to pursue that particular issue. I note that the government has noted the comments around the committee's recommendations that ParentsNext providers ensure that their employees are trained in the areas, such as disability awareness, cultural sensitivity and domestic and family violence. That is a comment that I'm pleased to see the government has articulated in their response, in that the department is embarking upon a range of training for provider staff and will consider including specialist domestic and family violence training. I'll be pursuing whether this has been embarked on, what the nature of that training is and whether people are participating.

One of the issues that is of particular concern to participants is the exemption process. I note that the government has responded to that. One of the concerns by participants was that providers, who have a vested interest in getting clients and receiving payment for them, are still—the point that was put to the committee inquiry was that people were not being granted exemptions by providers. They had to explain to providers and then, because there's a conflict of interest, providers are not granting the exemptions. Although there have been changes—I acknowledge there have been changes—the fact is that providers are still the people who can grant exemptions—or one of the organisations that can grant exemptions. The comment is around, 'Well, we feel like we're explaining to providers, who are going to be making fees off us, so it's not in their interests to not have us on the program.' That situation is still maintained, despite the fact that the government have made some changes there. We will, again, be pursuing that particular issue, in terms of what the safeguards are to not have that conflict of interest for the people who are participating.

I also don't think that the responses adequately address this issue about whether the program is an employment program, a pre-employment program or an early intervention and prevention program. Parents are still confused
about that, because some of the providers are very focused on saying, 'The only way you get off this is by getting employment.' It's not supposed to be an employment program. That issue is still there for people. I've said in this place many times that the money that has been allocated to this type of program is very useful, but we just disagree with the way it's being applied, because parents are confused. Are they supposed to be getting employment? Are we devaluing the role that particularly single mothers are providing in caring for their children?

Yes, we are very supportive of that support and early intervention. We just question whether providers of the nature of these providers—without having a go at them—are the right providers for that early intervention program. What has been put to me is that it should go back to the states, who are providing some very good early intervention and prevention programs. If it's pre-employment, let's focus on pre-employment. But at the moment there is a lot of confusion still around that particular program.

We still do not think that the targeted compliance framework should apply to this process. I understand that the government is very committed to the targeted compliance framework, but the evaluation that was done of this program was done on the program where the targeted compliance framework did not apply. A lot of the concerns that we heard from the participants were about the way the targeted compliance framework works. Again, the idea is that the provider develops a good, strong working relationship with the participants. In this instance, it's working with parents to try to get them ready, as the government articulates, for employment and going back into the workforce. It's particularly important that you have a good relationship between the provider and the participant. The targeted compliance framework, because it's applied by the provider, undermines that relationship. I will acknowledge that I have the same concerns about the way it's applied during the jobactive process. Leaving that aside for the time being, it is particularly important that there is a good relationship between providers and the participants.

I am deeply concerned about the targeted compliance framework. Again, I'll be following up how many people, through ParentsNext, have received suspensions, particularly since the changes the government made. We've got to remember that these are parents with kids, and any suspension of payments impacts on the kids. I know that you get back pay when you're put back on. But from the accounts we heard during the inquiry, that doesn't help the parents if they can't get hold of their provider on a Friday when they're due to report. Basically, their payment is suspended automatically and they don't know over the weekend whether they've got funds. We have had accounts of parents not being able to do anything on the weekend because they don't know if their funds are going to go into their accounts on Monday. Those concerns still exist with this program. We will be strongly pursuing that.

The other problem for us with the ParentsNext program is that it is compulsory and that the sweep of parents who are targeted is broad. We support a well-targeted, well-funded, voluntary program that assists parents to engage in pre-employment programs in the way they want to engage and prepares them for employment. We will continue to pursue this. I'm glad the government has noted a lot of our recommendations. I'd rather they were taking more positive action and I'm disappointed that they're not supporting some of them, but we will continue to pursue changes to this program to ensure that it's supporting parents in a way that delivers the best outcome and ensures that the money is spent in the best way. We don't disagree with the use of the money.

The ACTING DEPUTY PRESIDENT (Senator Gallacher): Senator Siewert, your time has elapsed. Are you seeking to continue?

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

Leave granted; debate adjourned.

DOCUMENTS

Department of Industry, Innovation and Science

Order for the Production of Documents

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (16:11): I table documents relating to an order for the production of documents concerning a report by Cadence Economics.

BUDGET

Consideration by Estimates Committees

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (16:11): I present a response to an order of the Senate of 29 July 2019 concerning unanswered estimates questions on notice.
QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Conservative Political Action Conference

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (16:11): I table a response to questions taken on notice during question time on 31 July 2019 asked by Senators Wong and Keneally relating to the Conservative Political Action Conference. I seek leave to have the document incorporated in Hansard.

Leave granted.

The answer read as follows—

Dear Mr President

I write with regard to questions I took on notice from Senator Wong and Senator Keneally on Wednesday, 31 July 2019 on the matter of the Conservative Political Action Conference (CPAC).

The Government fundamentally believes in and supports the principles of freedom of thought, speech, expression and association. It is those freedoms which underpin a strong and healthy democracy, where bad views and bad ideas can be contested and refuted.

We have always assumed that there was bipartisan support for those democratic principles of freedom of thought, speech, expression and association. In particular given the very strong recent statements by Opposition members in defence of those principles, especially the freedom of association.

The attendance of current and former members and senators at CPAC is a matter for those individuals. Their attendance at this conference does not imply agreement or endorsement with the views of any of the other speakers attending in any way.

The Government will always stand against divisive, inflammatory commentary which seeks to incite hatred or which seeks to vilify people.

However, the way to defeat bad ideas, bad arguments and unacceptable views is through debate, especially with those we disagree with. It is not by limiting our conversations only to those who at all times share all of our views.

I have copied this letter to Senator Wong and the Prime Minister.

BILLS

Great Australian Bight Environment Protection Bill 2019

Second Reading

Consideration resumed of the motion:

That this bill be now read a second time.

(Quorum formed)

Senator HANSON-YOUNG (South Australia) (16:14): I rise this afternoon to speak on the Greens bill that would protect the Great Australian Bight from big oil and make sure that we can celebrate what is great about our wonderful, our beautiful, Great Australian Bight by giving it World Heritage protection. Australia is the ocean-going nation, with most beautiful beaches right around the country. We have some of the most beautiful beaches in the world. We know how to enjoy them. Many Australians grow up spending their summers on our beaches and enjoying them all year round. I certainly did, and I try my hardest to make sure my own daughter gets to spend time on our beautiful South Australian beaches whenever we get a chance. But we know that our oceans are under threat, from overfishing to warming to sea level rise and pollution. We are putting our oceans in even more danger.

When I first introduced a bill very similar to this one to protect the great Australian Bight, back in 2016, the company that wanted to drill at that time was BP, and then it was Chevron. Now it is the Norwegian company Equinor, formerly known as Statoil. This is a company that has had 20 serious incidents in the past eight years alone. You might wonder why it would be that a company from Norway, majority state owned—owned by the Norwegian people—would want to come and drill for oil in the Great Australian Bight, particularly given the recent decision of the Norwegians to divest from fossil fuels. I suspect it's because they don't think anyone down here cares too much—and boy are they wrong.

The Great Australian Bight is one of the world's most great oceans—coastlands, beaches. Eighty per cent of the species in the bight are found nowhere else on earth. It is unique. It is beautiful. It deserves to be protected. It is an essential calving sanctuary for the Southern right whale and a feeding ground for threatened sea lions, sharks, tuna and migratory sperm whales. Some would say it's the Galapagos of the Southern Hemisphere. In May the UN released its latest biodiversity report that warned that a million species face the threat of extinction. The official modelling from big oil companies that want to drill in the bight indicate that a spill would impact many matters of national environmental significance.
Even the companies that want to get in there to destroy this pristine wonderland know how dangerous it's going to be. This includes 177 marine species, 57 species classified as vulnerable, endangered and critically endangered, and 50 coastal wetlands; 38 marine reserves would be covered in sludge if there were a spill, resulting in the death of thousands and thousands of seabirds and thousands of marine animals, including endangered Southern right whales, blue whales, killer whales, dolphins and many other animals, including the critically endangered Australian sea lions, a special part of South Australia's natural wonderland. Hundreds of sea turtles would be dead. Potentially thousands of kilometres of shoreline would be covered in oil, causing extreme harm both to birds that live on the coast and to those that visit nearby. The destruction would be obscene.

If this disaster is not enough in itself, we know the impact that an all oil spill would have not just on the local environment but on tens of thousands of South Australian fishing jobs and tourism jobs. These industries would be decimated, and many may never recover. And of course if the spill modelling is correct—modelling released by the company themselves, backed up by other independent modelling—it wouldn't just be South Australian coastlines and South Australian jobs and South Australian environments that would be at stake. It would stretch as far as Albany in WA, right through to Port Macquarie on the New South Wales coast.

Just think about that economic impact for a moment. It would be 10,000 direct jobs at stake, if a project like this went ahead and there was an accident. Just imagine what would happen to the South Australian economy. We lost 600 jobs at Holden a few years back and our state economy was decimated. Imagine the impact this would have on South Australia and the ripple effect throughout the nation if tens of thousands of fishing and tourism jobs were destroyed because big oil just didn't care.

The South Australian community know all too well that these risks are not worth taking. The traditional owners in the area, the Mirning people, are strongly opposed—horrified that their special place is under threat. And they're backed up by more than two-thirds of the South Australian public, who oppose drilling in the Great Australian Bight, and they are angry that big oil is ignoring their community concerns. There is no social licence for drilling in the Great Australian Bight—and nor should there be. It is time in this place for us as politicians to listen to the concerns of the community, to our constituents, and to stand up for them here in this place.

But it is also important for us to stand up for the future of the planet and the environment. South Australia is a small but canny state. We make the most of the resources we have. We've embraced renewables more than any other part of the country has, because we know that our success depends on making decisions with the future in mind—not just in the short term, not just for short-term gain, but to make sure that the decisions that we make improve the lives of future generations of South Australians and the rest of the country. South Australians know that big oil is a step backwards for our state. No-one wants it, and we wish big oil would just bug off.

We know that the associated risks are just not worth it—the wells so deep and remote, the ocean so rough. Professor Tina Soliman Hunter, a professor of petroleum law and director at the Aberdeen University Centre for Energy Law, has said that it just doesn't stack up. To cap it all off, it will create very few jobs. So, not only is it a risk to our economy, not only is it a risk to thousands of jobs, but it is not really going to create any, either. It is in no way a beneficial outcome for South Australia. It's not a beneficial outcome for the country as a whole. And it's not just South Australia's problem. The same spill modelling shows, as I've already referenced, from Port Macquarie in New South Wales right through to Albany in WA. It is not worth destroying these precious, beautiful coastlines, our beaches and our tourism and fishing industries.

And this company isn't going to spend their money here, being foreign owned. They'll take their profits offshore. They won't employ the locals to do the work. They've already told us that. We risk our jobs and our environment and we don't even get any backing for the buck. I come back to this question: why would Norway, who have said so proudly that they want to divest from fossil fuels, come down here to South Australia and want to drill for oil in our backyard? I put it to you that it's because the government of the day and the opposition have not been doing their jobs. They have not stood up to big oil. In fact, they've rolled out the red carpet.

In a time of climate breakdown, what happens in the Great Australian Bight affects us all. We've talked about the risks of the oil spill, the risk to jobs and the fact that this is such a pristine marine wilderness that must be protected, but, in an age of grappling with global warming and climate change, we must face reality: that a big oil well like this one would mean we would never arrest dangerous global warming and climate change. We're to keep temperature rise to two degrees. We've been told by scientists that we have to do much, much more than that. The IPCC report says we have to phase out fossil fuels. At a time when we're already grappling with global warming and climate change. We're to make the job harder for ourselves by opening up new oil wells right here in the Great Australian Bight?

We cannot keep playing games with our environment and the climate, if you accept the science of climate change and if you understand what that really means. I believe most, if not all members, in this place do. We're all...
learned individuals. Our parties have access to resources of briefings and experts. It doesn't make sense to open up a whole new frontier of fossil fuel extraction at a time when we have to be transitioning out.

It's time to get serious about what needs to be done. We have to reduce our carbon emissions and we have to stop further extraction of fossil fuels which are only going to make climate change worse and more dangerous. There is absolutely no way we can allow a huge amount of oil to be sucked out of the Great Australian Bight and burnt, if we are to deal with climate change and to keep temperature rise to 1.5 or two degrees.

Many people, many in government, will tell you that what Australia does on the global sphere just doesn't make a difference. I put it to you that that is just spin and bollocks. We all know that Australia's role on these issues is crucial, whether it's our continued exportation of thermal coal or whether it's letting big oil come in, ride roughshod over community concerns and put our tourism and fishing industries at risk just to extract more oil that will be burnt and make climate change worse. Of course Australia has a role in what happens in the global sphere. We can be a leader when it comes to renewable energy and technology or we can be a climate villain that simply turns a blind eye to the real impacts that these expansions of fossil fuels are having on our environment.

We are already seeing the real effects of climate change, and we are the last generation of policymakers and decision-makers who can actually do something about it. While I stand in this place today and say, 'I want to protect the Great Australian Bight because it is precious to my home state in South Australia,' I also urge you to understand that it is our moral obligation to not squabble the hard decisions if we're to secure a safe climate and a healthy planet for the next generation. It is our job in this place to stop down those big foreign, multinational companies when all they want to think about is how to make a quick buck in the short term. Big oil has no right to come and lobby and push and bully our local communities, our local industries or, indeed, this parliament.

Equinor, the Norwegian company that wants to come and start this process, knows that if it gets the tick the next lot of applications from other players will come in thick and fast. That is the real risk to the Great Australian Bight; to our climate; to our beaches right across the country; to our communities that rely on a beautiful, pristine coastline; to the kids who want to go swimming and walking along Brighton and Glenelg Beach in my home town in Adelaide. Big oil doesn't care about them. Big oil doesn't give two hoots about what happens if there were an oil spill. Let's not forget that, in BP's own application only two or three years ago, they said that, if there were an oil spill, there'd be an economic boom because they'd have to employ people to clean it up! It is absolutely shameful that they were trying to bully the South Australian community, the industries and even politicians in this place to simply give them the green light to go ahead.

South Australians have made their voice heard very clearly. They don't want big oil in our state; they don't want big oil in the Great Australian Bight. And, increasingly, Australians right across the country are agreeing with them as well. We know that, at the recent election, this was an issue that dominated political debate in South Australia, but it also dominated discussion and debate elsewhere: in Corangamite, in Victoria, on that beautiful Victorian coastline. Residents there are rightly worried about what would happen if big oil came in and made a mess. Don't let people tell you that this couldn't happen, because we've seen the devastation of what an oil spill can do. The Gulf of Mexico and Deepwater Horizon is enough to scare anyone. Look at what happened there—the destruction of industries far and wide. The unemployment rate is through the roof, the sludge is still not cleaned up and the environment is destroyed. In the Great Australian Bight, where they want to drill for oil, it's rougher, it's deeper—it's much, much more of a risk. It's not a risk worth taking.

This bill, today, will protect the Great Australian Bight from big oil. It will send a very clear message: it doesn't matter how nice your foreign government spin might be or how nice your corporate glossy brochures look, you won't get the green light to drill in the Great Australian Bight. But this bill does one other thing: it celebrates how wonderful this place is, because it is beautiful, it does deserve to be protected, it deserves to be celebrated. That is why the Australian Greens have put forward a bill that protects the Great Australian Bight from big oil and forces action to make this special place World Heritage listed. It should be protected by the significant listings by the UN. It is that important. It is pristine. It deserves to be celebrated. It deserves to be something that, as Australians, not just South Australians, we should be proud of. World Heritage protection for our bight is where we should go. Bugger off, big oil, and bring on World Heritage protection. (Time expired)

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia and Deputy Leader of The Nationals in the Senate) (16:35): I rise to oppose the Great Australian Bight Environment Protection Bill 2019 because it's unscientific and would unnecessarily threaten the health and security of our nation. I want to start my contribution by telling a story of the great history of the development of oil and gas resources in this nation. Back in the 1950s, the then Menzies government felt that we had a real issue in Australia with the lack of oil and gas developed or produced here. We had a security issue with the fact that we had to import all of our oil and gas needs, and so they set up a variety of different support mechanisms to try to help support the production of oil and gas. They introduce a subsidy scheme for exploration in frontier areas. They introduce a price support mechanism
for the sale of domestically produced oil in Australia. As a result of these initiatives, they encouraged a company called BHP to make their own investigations.

At the time, BHP looked around the world for the expertise that could perhaps help them develop resources here in Australia. They hired who was described at the time as the best geologist in America, a gentleman called Lewis Weeks, who was a celebrated geologist around the world. Lewis came out to Australia in 1960. He had a famous lunch with the then chairman and CEO of BHP. At that lunch, he was asked, 'Where in Australia should we drill for oil and gas?' Apparently, without hesitation, Lewis Weeks immediately said, 'The Bass Strait.' And so BHP started the exercise of drilling in the Bass Strait. It was a highly risky activity at the time. At the time, the technology was just developing for drilling in what are rough seas; the Bass Strait is a rough marine environment. The technology for that was only just developing in California at the time, but BHP hired not only Lewis Weeks, the best geologist, but some of the best people in the industry in developing offshore oil and gas. Eventually, they partnered with Esso, now ExxonMobil, to develop these resources.

I tell that story because to think about that showed great foresight from the Menzies government. Most of us would know today that, as a result of those investigations, as a result of that science, as a result of that human endeavour, one of the greatest oil and gas finds was made in the Bass Strait. Victoria in particular benefited from and was lucky and fortunate to be close to one of the best oil and gas provinces in the world. In fact, over the subsequent decades, about two-thirds of our crude oil needs were met by the resources in the Bass Strait itself.

It also came at an incredibly opportune time. The Menzies government and BHP wouldn't have known when they started this endeavour that, in the early 1970s, an oil crisis would hit the world. What had been an abundant supply of oil and a relatively cheap source of energy suddenly become massively expensive and scarce. They weren't to know that. They made those investments and the government supported those investments because they wanted to secure supplies of such an important resource; it wasn't so much around price and availability per se. But that 1970s oil crisis did hit the world, and the fact that Australia had significant domestic Indigenous resources significantly protected and insulated Australia from the effects of the global oil crisis of the 1970s relative to other nations, like the United States, who were in a different position. They were largely importers of oil at the time.

I tell that story because I think it's important that we never close ourselves off from opportunities, that we never unnecessarily say, 'Let's not do this or do that because of the circumstances that might exist today or otherwise.' I do think we have a great need again to search for domestic oil and gas, which I'll come to. Regardless, even if we had abundant supplies of oil and gas right now, we shouldn't unnecessarily say: 'No, let's not do the science here. Let's not do the exploration. Let's take a narrow view where we just don't do things and don't explore.' It would certainly have been the case if we'd had the Australian Greens here in this chamber in the 1960s. They would have been moving bills to oppose gas drilling in the Bass Strait, and, if the government supported that, in line with this bill, Australia would have been a much weaker nation in the 1970s than it ended up being. So we should never be afraid of enterprise; we should never be afraid of enterprise; we should never be afraid of exploration to see what is available here in Australia and right around the world. That's why this bill should be opposed. Ultimately, this bill is an anti-scientific bill. It is a bill that seeks to shut down science; it is a bill that seeks to shut down questions; it is a bill that seeks to shut down exploring some of the more unexplored and undiscovered parts of our nation.

I listened to Senator Hanson-Young's contribution intently but I didn't hear much from her about the history or the experience of drilling for oil and gas in Australia. You would expect that, if this bill were based on science, it would refer to some of the experience and exploration that occurred in the past. Science, if nothing else, is the accumulation of knowledge through testing, experience and running experiments in the real, physical world. Not in this world, not in rhetoric is name-calling, as Senator Hanson-Young engaged in significantly in her contribution, science. Calling people names is not science. Calling people 'big oil' is not science. Calling into question people who don't live here in this country and who don't have businesses here in this country, as Senator Hanson-Young did, is not science.

Just a small segue: the Greens often like to put themselves out as a welcoming and multicultural, global party and then they come into this chamber and start slagging off people from Scandinavia for no reason at all. Senator Hanson-Young didn't present any evidence on the records and practices of Equinor. I've had some significant dealings with Equinor and found them to be an extremely professional company. Indeed, they're probably recognised as one of the leading companies, globally, in this space in terms of their professionalism, their practices, the seriousness with which they take their business and the protections they put in place for the environment, their staff and their scientists. To call into question a company without evidence just because they are foreign—and that is exactly what Senator Hanson-Young was referring to—is well below the level of debate that should occur in this place. And it's certainly extremely hypocritical coming from the Australian Greens.
We know, from the science that has been done, the actual experimentation and the actual experience with drilling around Australia, that we can safely regulate, monitor and oversee the exploration for and the production of oil and gas in our nation. Indeed, this bill does refer to the Great Australian Bight, but, although it is a frontier area, drilling has occurred there. It's instructive and reflective of Senator Hanson-Young's position here that she referred to none of that history in her contribution. I'm not sure if she's aware of it, but you'd think, if you are proposing a bill to carte blanche ban activities across such a large swathe of Australia, that you'd make yourself familiar with the experience of oil and gas drilling in the area you're seeking to ban them.

I've asked our experts about that experience and I've made myself aware of what has occurred in the past. In fact, we have drilled 13 drills in the Great Australian Bight since 1972. All of them have proceeded without incident. Unfortunately, none of them have made the kinds of discoveries that have led to larger investments and the production of oil and gas, but, as I say, that is how science progresses. It progresses by us experimenting on the natural world. Just as those explorers did in the 1960s in the Bass Strait, I think it is important for us to explore these other areas of our country. And we should do this in a safe, sustainable and regulated fashion, as we have done so in the past—quite clearly as we have done in the Great Australian Bight.

The Great Australian Bight, as I said, is a frontier. It's not a producing oil and gas province at the moment. Thirteen wells is more than Senator Hanson-Young referenced in her contribution but it's not a huge number in the scheme of things. We've drilled thousands of wells just in Australia in our offshore areas—almost all without incidents. There have been very few major incidents across Australian waters over the decades of experience. That is because we have extremely robust, independent and rigorous regulation of this sector. That is what we should do. That is what we should have. But, again, Senator Hanson-Young completely ignored that. She completely ignored any consideration of discussion of what is in place right now to ensure that things happen safely in our offshore waters.

No-one is denying that these are difficult circumstances and challenging environments to work in. But they are also highly rewarding ones for the scientists involved, for the extremely hard-working men and women who put themselves in these positions. I want to place on the record my great respect for the workers involved, for the extremely hard-working men and women who put themselves in this position. They are great men and women who do that. They deserve our respect, because it's their hard work, their isolation and their resilience that helps us to enjoy so much of the products in the modern world that come from the production of petroleum products.

We have those robust environments in place through the independent regulator NOPSEMA, who I meet with regularly to discuss these matters. They are a great organisation. They have, as I said, presided over the safe drilling for oil and gas across all our waters. They don't just regulate the environmental matters of importance here or pay attention to the Australian Greens. They also make sure that workers' health and safety is protected. We have had, fortunately, a significant reduction in incidents and fatalities in the last decade in this industry. It's something I always discuss with industry to make sure we maintain. We have those arrangements in place for a reason, to make sure that the industry does meet the high standards that the Australian people expect, and they do that everywhere across Australia.

While I've mentioned southern Australia and the Bass Strait, the history there and the potential opportunity in the Great Australian Bight, we must also not forget the other areas of our country that produce enormous amounts of wealth and opportunity for Australians and continue to be very strong oil and gas provinces.

What concerns me about this bill is that while it talks about the Great Australian Bight—and takes, as I said, an unscientific, narrow-minded view in reference to that—if this bill were to pass it would establish an extremely unfortunate precedent and example for those other areas of our country. If the Greens are saying, 'We don't think the risks of doing the proper science, regulating it properly here in the Great Australian Bight, are worth the potential billions of barrels of oil, wealth and jobs for our country,' why wouldn't they apply the same test into the Barrow Basin or the Camarvon Basin, or the onshore areas—the coal seam gas areas—Surat and Bowen Basins in Queensland or the burgeoning and fledgling Beetaloo Basin with enormous opportunities in the Northern Territory. Potentially the same principle would apply, and that would be an extremely dangerous precedent given that Australia now benefits to the tune of more than $40 billion through the export of our gas resources. We are now the largest LNG exporter in the world. It is an enormous industry for Western Australia, and Senator Hanson-Young has no reference here about the potential effects on that great state. It's become an enormous industry for onshore resources in Queensland, where Senator Scarr and I are from. There's no reference there. There's no reference from the Australian Greens about how reducing our production of oil and gas would affect the domestic economy.
We have had an experience of high gas prices in the past couple of years. I do not have time to go through all the reasons and the wherewithals of that issue. But, clearly, if we are to reduce our supply of domestic oil and gas, that is going to have an impact on the price of oil and gas here in Australia, particularly gas, which would threaten thousands and thousands of jobs in our manufacturing industry that I want to keep and fight for. I want to keep those jobs. I want to make sure that we can continue to have a manufacturing industry in this country, and to do so we need to use our natural resources in a safe and sustainable way.

In the time I've got left, I do want to return to the theme of our national domestic security. With that history that I mentioned of the Bass Strait, and the development of the Carnarvon Basin subsequently, we were actually able to maintain a self-sufficiency in petroleum products to a greater degree than I think most Australians realise. We obviously operate in a global environment, so oil and gas resources are traded across the world, some are exported from Australia and some come back as refined products. But when all is taken into account, on the eve of 11 September, almost 18 years ago now, Australia produced 95 per cent of its petroleum product needs here in Australia. We had enough petroleum production to meet 95 per cent of our domestic needs—as I said, some of that was exported and some was re-imported back. But, if the worst happened, we could meet almost all of our petroleum product needs from our own production. Eighteen years on, that figure now stands below 50 per cent.

So in 18 years we have dropped from almost self-sufficiency in the production of petroleum products—that includes oil, gas and other products on that spectrum—and we now are not self-sufficient by a long way. Less than half of our needs are met by our production of those products.

We live in a volatile strategic environment. Notwithstanding the dreams, wishes and fairytales of the Australian Greens, the need to have access to oil and gas is a key requirement, and a necessary condition for us to be able to adequately defend our island nation, out here on the outskirts of the Asia-Pacific region. And, while I don't have a magic wand to make sure we can produce more oil and gas, in this strategic environment we should not be closing off any options to potentially jump back up to that level of self-sufficiency, of which the Great Australian Bight is, potentially, one option. It is commonly seen as, perhaps, the most prospective frontier offshore area in the world, and we do not know exactly what will be there. Perhaps, if approved through our independent process, future wells in the Great Australian Bight may not produce and may not lead to discoveries and investment. But there are a lot of people who think that they may. And, if they did, it would revolutionise and change our domestic security environment. It would make sure our country was safer and more secure. And I don't quite understand the abandon with which the Australian Greens come into this chamber and threaten that national security, with very little consideration for that issue at all—with no attempt to rebut and say, 'What would we do if production remained insufficient here?' Or, 'what would we do, if we look back in 10 or 20 years time and say that maybe we should have made different decisions then?''—that is, if the Australian Greens get their way. I fundamentally reject this bill, because it is unscientific, and would threaten our own security.

I also want to finish by commenting on the continuing hypocrisy of the Australian Greens. If only we could capture, bottle and use the hypocrisy of the Australian Greens to produce electricity in this country, we would never have another blackout! There are abundant renewable resources of hypocrisy from the Australian Greens, because they come into the chamber and talk about climate change and talk about the need to reduce fossil fuels, and I see no evidence from any of them that they're reducing their own use of these products themselves. It's fine to come in here and talk about the evils of global corporations. It's a different thing to do that and then continue to use the products that are produced by those global corporations, with gay abandon. I don't see them reducing their car travel; they certainly keep coming up to Queensland annoying us about different issues, as they like to do in country areas. They're still doing that. I don't see them reducing their use of plastics, Tupperware, mobile phones—all of these things have petroleum products in them. I see protesters in Brisbane, right now, supergluing themselves to streets and other objects around the CBD, with little understanding—I think none of them would actually know—that most, or almost all, modern superglues come from the production of fossil fuels, and come from hydrocarbons. You do not have modern superglues without petroleum products. That's how they're generated. They just use these things. They don't get it. They want to impose morality on others without leading the moral life themselves. It is hypocrisy. This bill should be rejected. It's inane and unscientific, but it is also a mass array of hypocrisy.

Senator GALLACHER (South Australia) (16:55): It's always good to make a contribution on Thursday. I used to be able to get up on a Thursday afternoon, following former Senator Macdonald from Queensland, and throw my notes out, because he gave so much ammunition in his contribution that you didn't need any notes. Now I note that Senator Hanson-Young has taken up that mantle. Where do we start?

As I sat in the Deputy President position and listened to the contribution, I thought: were Senator Hanson-Young to repeat a number of these items outside the chamber, there would probably be a competent jurisdiction she could be brought to. I thought the contribution was completely over the top and demeaning of people who
have a right to operate their business throughout the world. They shouldn't be brought to account—in a chamber where they have no recourse—inaccurately and unfairly.

By way of further preamble, my duty electorate for the last eight years has been the seat of Grey. The member for Grey, Rowan Ramsey, is a hardworking rural member. It's a huge electorate—85 per cent of South Australia. I try and make him work very hard by visiting as many places as I can so he's got to back that up. We talk to a lot of people, and there is clearly widely-held, deeply-felt concern right throughout the community. But it's not even. It's not one way. It's not 100 per cent. It's as normal. It's people thinking about their livelihood, their future, their operation and their particular circumstances and how this either opportunity or threat could affect their communities or themselves personally, their grandchildren and their opportunities.

So I accept there are widely held and deeply felt views about this. But what I don't accept is that we need to change a system that has worked for us. If you look at the contribution from Bass Strait, 54 per cent of Australia's crude oil and liquids and 40 per cent of eastern Australia's natural gas has come out of that development, creating 370 full-time-equivalent job years of employment throughout Australia and half a billion dollars worth of taxes in every year of operation.

I'm an evidence based person. I don't get convinced by the last person I spoke to. I like to listen to everybody's contribution, seek the evidence, test the evidence and go forward. We've had an inquiry in this space. Witnesses like the Australian Conservation Foundation gave their evidence and were professional about that, citing examples and putting evidence forward, and we tested that evidence. But one direct question at the end of their appearance was, 'Is there anything that will convince you that this should go ahead?' And they honestly answered, 'No, we cannot be convinced.' So sometimes you're faced with implacable opposition.

The evidence is that this is not easy business. But we have a successful track record. We have a fully professional independent regulator, which came out of the Montara spill—let's not forget that. It came out of the spill in the Timor Sea, which wasn't good. It's been created, enhanced and refined and it's operated successfully. And we have a track record of, I think, 3,800 wells drilled around the country, most of them on the North West Shelf. The entire coast of Western Australia cohabitates with oil and gas exploration. The whale populations are allegedly increasing; people tell me that. There are sanctuaries—Barrow Island, I think, is a World Heritage area—in amongst oil and gas exploration.

So the Australian record is that we can coexist. We can have the dual benefits of good exports, safe operation and beautiful beaches. And, more importantly I suppose, we've got the economic wellbeing to be able to enjoy those activities, in four-wheel drives, caravans, boats and, dare I say it, even planes. I do know—it's probably a pretty low shot—that Senator Hanson Hanson-Young took a chartered plane to go and have a look at the area of activity. Presumably that wasn't a glider; it was powered by avgas or something similar.

The Labor Party is always going to take a scientific, evidence based approach to this. We don't believe there needs to be too much fine tuning—or blunt tuning, with Senator Hanson-Young's bill—in this space, because demonstrably it has worked. Independent regulators do their job forensically. No-one says they're an easy mark. The plans that you have to go through and all of the requirements are extensive and comprehensive. I am told, from briefings I've sought, that these are industry professionals. They're not—I don't want to denigrate bureaucrats in Canberra, because there are plenty of them here. They're industry trained professionals who would have done this sort of safety assessment for private sector companies, and they're now looking at those private sector companies with a very, very critical lens and making sure it's right. I think—and it's fairly clear to me after talking to NOPSEMA a couple of times—they value their reputation. They're not going to get anything wrong here. They're not going to go down any low road at all. It's going to be to the highest environmental standards and the companies are going to be held to account.

I actually don't mind driving a car. I really enjoy the fact that there are fuel stations around the place so that if I got up one morning and wanted to drive 3,000 kilometres in Australia I could go from service station to service station and make my way around the country, free and independent. We're not at the stage of abandoning fossil fuels in any part of the world. If you go to Europe, you will get a diesel car. There are electric cars coming; we know that. We know there is change on the design chain. There are intelligent intersections and autonomous vehicles. But in my view we're not going anywhere away from combustion engines in the short term or in the next 25 to 30 years. It's not going to be a light-switch moment where we go to electric vehicles. So we're going to need to find fuel and fuel sources. Senator Canavan's right: we have low security. We've got 20 days. We have four ailing refineries, with little or no investment going into those. Coincidentally, we're probably running the dirtiest fuel. We're running low-octane fuel. Europe is moving to high-octane fuel. Engines are moving to high-octane fuel, lower emissions and hundred parts per million of sulphur.
All of these things are happening and we're worrying about whether we should take a small 60-day operation into the Great Australian Bight, 400 kilometres off the coast. That is not going to be the end of anybody's world. There'll be a 60-day drilling operation 400 kilometre out into the Great Australian Bight. It is not going to challenge a child on Brighton Beach, on Glenelg Beach, down on the Fleurieu Peninsula or over at Kangaroo Island—and I visit all of those places. They are beautiful and wonderful. They should be protected and they will be protected under the relevant legislation. We need to go to all of the Indigenous communities who have a view in this space and we need to do the appropriate thing, as we always do. There is legislation that requires that. The Labor Party believes that that should always be complied with.

My experience with this company and the predecessors, Equinor, BP, and Chevron, is that they've gone out of their way to talk to oyster fishermen and tuna fishermen. I've spoken to people at Streaky Bay. One group of fishermen said, 'Yeah, we could handle that,' and another group of fishermen said, 'Oh, we don't really know.' The communities have been consulted by these people. Equinor and the predecessors have been all over the place talking to people. It is widely held and deeply felt, but I reject the assertion that it's one-way traffic.

The scattergun approach that Senator Hanson-Young takes is that, even if you've got something right and you could drill a well, we don't want it, because we're warming the planet. You can't conflate these issues. You're either trying to bring a bill in here that deals with the Great Australian Bight or you're going to the United Nations to say that we should do something else. The blunderbuss approach: everything is wrong; it'll blow the whole world up; you won't be able to surf in Coolangatta, because of what's happened in one well in the Great Australian Bight—it's not really borne out by evidence. Like I say, 3,800 wells drilled around Australia and, as Senator Canavan's pointed out, 13 of 16 drilled in the Great Australian Bight without incident or problem. I don't know how we get to the stage where, if we let this happen, the world will end in t

With those few short comments I want to go back to this being an example of exploitation of genuinely deeply held feelings for purely political purposes. Really they're not being entirely honest here. They have an ideological view—and they're entitled to that—but they bring a bill into this chamber and allege that people are doing things that are brutal. Some of the allegations Senator Hanson-Young made couldn't be made outside the chamber without potential recourse to another jurisdiction. I think that's a low road to start. Then she conflated all of the issues. If my granddaughter listened to the contribution from Senator Hanson-Young and said to me, 'Does that mean, Grandad, that I can't go to Glenelg beach?' I'd say, 'No, it doesn't.' But that is what she said. How do you explain it to impressionable people who may be swayed by this type of rhetoric? So it was completely over the top. I reject a lot of the assertions there. They're not based on science or fact.

We believe that we should be consulting widely with everybody and watching very carefully as these companies actually do that. We know they do the consultation. There is ample evidence right through the inquiries that have been held in this space. Nothing will go ahead without a proper tick off from the regulator. Nothing will go ahead that the communities are not aware of. There is no smoke and mirrors. People will seek to take what is a prudent evaluation of risk and a prudent plan for dealing with the eventuality if the risk occurs and then say, 'That's why you shouldn't do it.' They avoid the fact that it's a minimal risk in the first place.

There hasn't even been an approval granted as yet. We don't even know whether this 60-day operation 400 kilometres off the coast of South Australia is actually going to be approved. This is pre-empting what the regulator may say. We can't instruct the regulator. They will come down to make their decision. But there will be science. We are sure that science is going to make this decision. Based on the available data and science that we see, I'm hopeful that there will be a favourable decision made.

A community right outside the area is Ceduna. I've visited Ceduna on a number of occasions. That's an area where the Greens have taken some particular interest in social policy, with the cashless welfare card and the like. I know that Ceduna Airport benefited from some investment in some helicopter facilities. When BP attempted to go through this protocol and procedure they invested in Port Adelaide and in Ceduna. I know a lot of people in Ceduna were looking forward to the economic opportunity that might come out of some fly-in fly-out workers. This is work that's done quickly. It's very expensive work. An incredible amount of logistical effort goes into it. Money is spent in the surrounding areas. I know from talking to the mayor and other people over there that there was an indication that it would be a good boost to the economy and it might help alleviate some of the problems that they've had there for decades in terms of low employment and underemployment.

You go over to Port Lincoln. Port Lincoln is an interesting town. It's a very wealthy town in a lot of ways. It has its own economy. It's got tourism, it's got farming, it's got tuna, it's got fishing and they're very independently...
minded. There are views there, very strong views. If you talk to a tuna fisherman like I often have to do, they've got very strong views about the world and how we in Canberra should be doing this and that and the rest of it. But they are people who've gone out there and created something in that wilderness, in the Great Australian Bight, and the tuna fishing and farming industry is world leading.

They have concerns. I don't think they'll be relying on Senator Hanson-Young advocating for them. They will be advocating very strongly and professionally through their relevant associations and their politicians or representatives in this place, and they'll be making sure their concerns are taken note of. They will not be held back by anybody. I've got this great confidence that the region is so robust and well represented through their associations, their industry associations and their participants that we don't have to do a lot. Equinor's got to do a lot. The regulator's got to do a lot. We just have to make sure that the process is working.

In earlier contributions, there were attempts to say that this would go back to ministerial discretion. I don't think that's the way. I think this is proven process working properly. I'm more confident: (a) that the world's not going to end if we drill in the Great Australian Bight and that it won't cause automatic global warming and the shutdown of the planet; and (b) it probably will cause the economy of that region to become more diversified and successful. What we do know in South Australia is that we do need more diversity and we do need more success. If you add another layer to the grain, the wine, the mining and the renewables—we do a lot of renewable leadership, so we've got three or four pillars to our relatively small state economy. If we were to add this initiative as a success, it would be greatly beneficial to South Australia. It may well be that the newspapers who run the polling, which nobody in this place will ever believe after the 18 May result, would take a slightly different view about the economic opportunities and impacts.

What we know is that, with almost every mining opportunity, drilling opportunity or expansion opportunity in regional and rural Australia—and it goes to coal seam gas exploration and the like—there is always angst and community concern up-front. That needs to be dealt with appropriately and properly. I think that's what's happening here. To the great credit of the regulator, they will not be rushed. No-one will rush them. You will tick all of the boxes and satisfy all of the concerns or you'll just have to keep doing it.

I take great comfort from the process. I don't know that there is a great swell in South Australia to race out and protect the Great Australian Bight. I think people appreciate it is a pristine area. It does have migratory whales and the like. I visit Kangaroo Island and watch the sea lions. You can imagine standing there how you could be living on Kangaroo Island, enjoying probably one of the more pristine places in the world, and someone says: 'Well, if there's a well drilled over 400 kilometres away, it's all going to come here and wash up on your beach.' Interestingly enough former Senator Back used to say in this chamber: 'It already does.' I would say, 'Senator Back, what are you saying?' And he'd say, 'Oil comes up from the seabed and it does wash up on Kangaroo Island. Not in great amounts, but it has done.' He was always enthusiastic about the Great Australian Bight because he said, 'There is oil there. We've just got to find it.'

Look, it's an opportunity, I think, for South Australia, for Australia. I don't subscribe clearly to the proposition that's been put forward and advanced in Senator Hanson-Young's contribution. I want to go to perhaps asking that, in any other contribution, if she's going to be fairly brutal with people, they should really have the right of reply. I can't recall coming in here and using this chamber to have a shot at someone that I wouldn't do outside the chamber. I think that's a good standard for us all to have. Potentially, people do things under parliamentary privilege but, really, if you've got a strong view, it should be couched in such a way that it's not actionable. I'm not sure that some of the earlier contributions from Senator Hanson-Young were in that vein. But that's her decision—no doubt about that.

In the few seconds I've got left, I hope the regulator makes a good decision for Australia and I support whatever that decision is. If the regulator says that it's too risky to do that, then I would support that. If the regulator comes out and says, 'You've ticked all the boxes. You can go, for 60 days, 400 kilometres off the coast of South Australia and drill a well,' then, if it's successful, it will be better for South Australia. (Time expired)

Debate adjourned.

MOTIONS

Household, Income and Labour Dynamics Survey

Senator McALLISTER (New South Wales) (17:15): On behalf of Senator Gallagher, I move:

That the Senate—

(a) notes that:

(i) the Household, Income and Labour Dynamics in Australia (HILDA) survey, released on 30 July 2019, has confirmed that Australians are worse off since the election of the Coalition Government in 2013,
(ii) HILDA revealed real median household annual disposable income has declined from $80,208 in 2013 to $80,095 in 2017.

(iii) Wages growth has stagnated under the Coalition Government’s watch,

(iv) When asked why wage growth was stagnating under the Coalition Government, Finance Minister Mathias Cormann said – “This is a deliberate feature of our economic architecture”, and

(v) The Coalition Government supports continued cuts to the penalty rates of Australia’s lowest paid workers; and

(b) expresses its disappointment in the Coalition Government’s failure to pursue policies to increase household incomes in real terms, address growing congestion and combat increasing rates of poverty revealed by the HILDA survey.

Earlier today, the government ran out of legislation again and this chamber was forced to debate the Governor-General’s opening address to kill time until question time. The reason for this is apparent: the government have no agenda. They have no plan to grow productivity, they have no plan to increase wages, they have no plan to address climate change, they have no plan to tackle cost of living. There was something very telling about the speeches those opposite gave when they were filibustering. All they seem to want to talk about is the Labor Party: our policies before the election, our time in government—quite some time ago—us. It’s been a consistent theme for this government since they took office in 2013. Three Prime Ministers, all united by the inability to realise that they are no longer in opposition. They’re the ones with the levers of government, not us. This is their third term in office. The time when they can blame Labor has long passed. It is time for this government to take responsibility for what has happened on their watch and actually do the work necessary to fix it. What has happened on their watch?

The latest data from the Household, Income and Labour Dynamics in Australia survey shows that this government has presided over a collapse in the growth of living standards for ordinary Australians. What does the HILDA data say? There are two big economic messages. Wages are stagnant. Australians are right to say that they feel like they’re falling behind, because wages are flat and they have been for a while. Real median household disposable income, an amount equivalent to the money households actually have in their pockets to spend, fell close to 0.6 per cent in the year since the last survey. There has been no increase in median household incomes since the coalition took office. In fact, it has declined since 2013. Australians are now worse off than they were before the GFC.

The second biggest message is this: Australia faces growing inequality. Wages are flat across the economy, but not everybody is doing equally badly. There is a divergence between mean and median incomes. Since 2009, the median household income has remained flat, whilst the mean has risen by 3.4 per cent. What does this mean? The average worker is earning less than the average wage. The reason for this is that a small number of high-income earners are skewing the data upwards. It’s reflective of what the HILDA data shows about inequality generally. HILDA measures long-term inequality. It’s able to measure the intergenerational movement of people across income levels, the extent to which your parents’ income determines yours. The HILDA survey found that about a third of those who in 2001 were a child in a household in the poorest 20 per cent were still in the poorest 20 per cent of the population when an adult in 2017. What about the other side of the coin? Again, about a third of the people who are in the top 20 per cent of households as a child were also in the top 20 per cent as an adult. The report notes clear indications of a positive correlation between parental income and the income of children in later life.

What does that mean? The technical description is that social mobility is more limited. To use the Prime Minister’s words, he likes to say, ‘If you have a go, you get a go’. That’s not what this data says. We risk becoming the kind of country where you only get a go if your parents had a go first. This is a government that is bereft of vision. They have no economic policy ambition beyond cutting taxes. What is the plan to increase labour productivity? What is the plan to encourage local firms to innovate or explore new markets? What is the plan to increase competition in moribund sections of the economy? What is the plan to increase the linkages between universities and businesses to allow research to drive innovation? We never hear about any of those things, because the government is not interested in them. The only thing they are interested in is tax cuts that the country can’t afford.

The Prime Minister described increasing Newstart as ‘unfunded empathy’. I tell you what, this government’s commitments to tax cuts are certainly unfunded. They may not be empathy, but they are definitely not funded. The government is actively hostile to the things that increase wages for ordinary Australians. They are hostile to unions, hostile to working people representing themselves in their workplace and hostile to working people exercising the practices of democracy. The evidence from overseas is countries with higher rates of unionisation and union activity have higher rates of labour productivity and higher wages, but this government has spent every day since it was elected trying to find new ways to undermine the power of working people and their representatives. They established a trade union royal commission in their first year. They have spent a lot of time...
attacking industry super funds, when it was clear to any impartial observer that the problems were actually in the retail super funds run by the banks.

The Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill 2019 that they have recently reintroduced appears to be the only serious policy agenda they have. Again, it is all about unions. There is nothing about ordinary people and nothing about the economy. They are hostile to penalty rates, hostile to workplace protections, hostile to measures that improve safety and hostile to actions that will improve wages. Who knows what fresh horror the Minister for Industrial Relations' review of the industrial relations system is going to recommend, but it won't be in the interests of working people. There is something the government could do right now to increase the wages of working Australians, and that is to act on penalty rates. I have very little hope that they'll do that, because they have had a myriad of opportunities and they haven't been interested in any way so far.

Maybe over the long term they could do a couple of other things. They could do worse than look at the recommendations of the Productivity Commission in their report about inequality last year. During his address to the National Press Club about the report, the current chair, Peter Harris, didn't talk about corporate tax reform as a solution to inequality and entrenched disadvantage. He noted the low rates of income growth. He talked about productivity growth, and he pointed to the three key areas from Productivity Commission's Shifting the dial: Improving Australia's productivity performance report of last year. Those were the opportunities that come through higher workforce participation and personal wellbeing, through preventing chronic disease. He pointed to more adaptable workforce skills through practical improvements to secondary and tertiary teaching. He pointed to reducing the number and complexity of overly restrictive planning and zoning restrictions to make our cities work better. There was an agenda laid out by the Productivity Commission, something that actually went to some economic challenges that we would do well to address.

These are not the things on this government's agenda. The government's single-minded obsessions are talking about the Labor Party, talking about working people and their representatives, and essentially sitting on their hands while the country goes backwards, as the HILDA data so amply demonstrates.

Senator BRAGG (New South Wales) (17:25): I rise to speak on this motion. We've just heard Senator McAllister discuss it. I'm not sure whether you're aware, Senator McAllister, but we've been able to create more jobs, reduce unemployment and reduce inequality over the last six years while we've been in office, so the figures that you refer to actually don't stack up. Anyone who's ever worked outside of government knows that the only game in town which creates employment is private investment. It's been said often in this place that the best form of welfare is a job, and that's why we've always been so focused, throughout this term in office, on creating more employment—because that's the best thing you can do for all Australians.

We've heard a lot about Labor's tax policies, and I think it's absolutely right that we discuss those tax policies, given that the Labor Party is still clinging to enormous housing taxes and retiree taxes. We've heard a lot from 'Sir Tax-a-lot' in the lower house, and $387 billion in new taxes is still Labor's plan. I don't think that's a very good plan for jobs, because you have to accept the fact—and you can't have your own facts—that the only way to create new employment is through private investment, and, if you impose $387 billion in new taxes, you're going to have fewer jobs. But that is still Labor's policy and that's why we take it upon ourselves to remind the Australian people that that is very much still their agenda.

Senator McAllister's address could have been called 'I love unions' or even 'How good are unions?'" because, effectively, it was all about the trade unions' agenda. I do feel very sorry that the once great Labor Party have adopted this antisystem agenda. Everything you hear from the Labor Party is about how much they hate enterprise, how much they're not interested in encouraging private investment—and I can run through the list. In the last five or six years, Labor have opposed trade deals. In fact, when Labor were last in office, they were unable to conclude the trade deals with China and Japan that the prior, Howard government had commenced, because the unions said they weren't allowed to do trade deals. Again, Labor are opposed to tax cuts or any measure to make the economy more competitive. That is because, at the end of the day, the unions are isolationist. They're not interested in trying to grow the pie or trying to improve private investment. They're only interested in their own jobs—and I'm referring here to the union bosses.

The list goes on of how the union movement writes the Labor Party's economic policy platform. Labor policy is to abolish the Building and Construction Commission—rather extraordinary, when you consider that the people that the Building and Construction Commission is supposed to rein in are people who say they're going to come round to footy clubs, come round to people's homes, and 'get them', referring to government officials. So that's quite extraordinary. At the last election, we saw Labor's tax policies were still being drafted by the unions, drafted by various parts of the financial industry.
We saw today a very good report from the Property Council saying that the economy would have been much smaller if Labor had won the election, and there would be vastly fewer jobs. Once again, these tax policies, these economic policies drafted by the unions, are fundamentally antibusiness; and, if you're in the business of trying to create employment, these policies are the last thing the country needs. Our plan in government, other than trying to fix the fiscal mess the Labor Party left to us, has been to try to cut personal taxes, and that's what we've done in the past few weeks. But we've also sought to do trade deals and generally try to make the economy much more competitive, because at the end of the day the only game in town is private investment. There is no other way to create jobs.

There is of course much more to do, and that is why we have announced a review of industrial relations. The PM made it clear when this was announced in Perth around a month ago that he was asking Christian Porter to take a fresh look at how the system is operating and where there may be impediments to shared gains for employees and employers. The PM said:

Any changes in this area must be evidence-based, protect the rights and entitlements of workers and have clear gains for the economy and for working Australians

That is an opportunity for us to look again to improve the economic landscape in this country by looking at practical issues in workplaces, not pursuing any ideology or any other agenda but looking at how we can improve workplaces so that we can create more jobs—more jobs in big businesses, more jobs in small businesses, more jobs in the private economy. That has been our focus and our aim since we've been in office, since 2013.

There is also more to do, and the trade minister, Senator Birmingham, is currently abroad, trying to deliver the RCEP trade deal. If we were able to conclude that, it would be another feather in our cap in terms of being able to deliver a very significant trade agenda. When senators opposite say that we have no economic agenda, it's obviously a case of short memory, because, frankly, there's been no other era that has been able to deliver a slew of bilateral trade deals with enormous trading partners—China, Japan, Korea and Indonesia—while simultaneously being able to deliver large multilateral deals as we did with the Trans-Pacific Partnership, which the Labor Party said at the time that we shouldn't worry about, because the incoming President of the United States had said he was going to walk away from the TPP. But we worked with Japan, we worked with New Zealand—we worked with our counterparts—and we delivered the Trans-Pacific Partnership. That was on top of these bilateral deals that we were able to do.

And of course now the work goes on. Senator Birmingham is working on the RCEP trade deal, but we're also looking to try to land a trade deal with the EU and with the UK—post-Brexit, of course. The contrast there is that when Labor was in office for six years they couldn't land a single substantive trade deal with these large trading partners in our region. They couldn't do China and they couldn't do Japan, because the unions said, 'No, we don't agree with some quite odd international legal concepts'—known as investor-state dispute settlement, and I'm not sure that the unions actually understand that this has been designed to promote trade and investment. We on this side are not isolationists. We welcome foreign investment. We welcome all forms of foreign investment that are in our interests—subject, of course, to all security screening and good governance.

I do want to run through some data, because this motion before us is full of errors. The latest ABS employment data show that we have experienced 11 consecutive months of employment growth, and that's good. And welfare payments are the lowest, as a share of the working-age population, that they've been in a generation. So, we've got more people in work and fewer people on welfare. Inequality has also reduced under the coalition, from 0.304 to 0.302. That is also a good step in the right direction. But overall we have focused our efforts on job creation. We have focused our efforts on trying to get private investment up. That's why we've sought to do trade deals. That's why we have cut taxes. That's why we have a plan to, again, ensure that workplaces are calibrated so that more people in this country can get a job.

At the end of the day, we can talk about the size of government all we like, but we are a nation that has always relied upon foreign investment and private investment for our prosperity. That being the case, we need to run a competitive economy, because we don't run on the good graces of the rest of the world. We need the rest of the world more than the rest of the world needs us. That's why it has always been important to promote a competitive economy, one that is open and dynamic, and one that is always looking to attract job-creating foreign investment and to create the best conditions for domestic private investment to create those jobs.

When we consider the summary of the other side's efforts—they don't like trade deals, they don't like tax cuts, they're too afraid to discuss any other economic reform and they want to put in place enormous new taxes which are, frankly, risky and would crash private investment—I think it is, again, timely to reflect that we've seen a new report today with detailed modelling showing that there would be vastly fewer jobs in the property and construction sector if there was to be a housing tax imposed. But then, if you just reflect on the logic for one moment, whoever would have thought that a new tax could create new houses? The logic is just so crazy. It is odd
that this is the sort of logic which is promulgated on the other side of the chamber. I look forward to them coming to their senses in future years, potentially. But if, all the while, you have the view that more tax will create more houses, then I think you're in quite a difficult place intellectually, and, as it's often been said: you can't have your own facts.

**Senator KITCHING** (Victoria) (17:36): I can't help but laugh at the Orwellian phrase, 'the best form of welfare is a job'. Because what this leads me to believe is that the government might think someone has to go to a Centrelink office, they can tick a box marked 'best welfare', and they get a job—I don't think so. I don't think that happens. So the use and overuse of that phrase by this government is something that they say they don't agree with—and that is an Orwellian state. That's what it is.

I rise to speak on Senator Gallagher's motion on the Household, Income and Labour Dynamics in Australia (HILDA) survey. The latest HILDA survey reinforces what many Australians already know: they are worse off today than they were when this now three-term government was first elected. Not only has median household annual disposal income failed to keep up with CPI, it has actually dropped to the level it was at in 2013. Back then, it was $80,208. In 2017, the figure was $80,095. This is just another sign of trouble on the economic front.

Every respected economist in the country has sounded warnings. The Reserve Bank of Australia has acknowledged a weak economy. It has said that wages growth has remained at record lows and that GDP growth has been well below trend. Interest rates are at record lows, and, in the face of the overnight US Federal Reserve cut, there will be pressure for another cut here. RBA Governor Philip Lowe is quoted as saying that 'it is reasonable to expect an extended period of low interest rates'. We can now even envision a situation where interest rates hit zero per cent. Remember, it was also in 2013—the year this three-term government came to power—that former Treasurer Joe Hockey said of an interest cut that had the rate at three times what it is now: 'They're not cutting interest rates because the economy is doing well'. Thank you, Joe Hockey. Interest rates are being cut to 50-year lows because the economy is struggling. With the economy screaming out for help, the RBA is basically out of levers to pull. The RBA is doing its job. It's the government that needs to start doing its own job.

One of my favourite photographs of recent times is the current Treasurer and the RBA governor in a photograph which was almost like a proof-of-life shot—so the Treasurer has the RBA governor there, as a bit of a prop, and it's like the Treasurer is saying, 'No, no, the economy is fine. We've got the governor here, and we've brought him here so that he can say "There's nothing to worry about, move along".' We all know that in fact the RBA has said that our economy is in deep, deep trouble. That is because this government went to an election with essentially one policy—and that was income tax cuts which have now been legislated—and an interesting concept around the housing loan guarantee scheme. So let's see what the contingent liability on that turns out to be.

Of course, this government has been on that side of the chamber and on the Treasury benches for six years. Failing scandal or defections—and don't discount the possibility of those; they are onto their third Prime Minister after all—they will have been there for nine years by the time of the next election. The government could bring forward planned infrastructure spending now. This would give the economy the boost it needs and perhaps stop a further downturn that would only compound the hurt Australian families are feeling as evidenced in the HILDA survey.

But it's not just inaction that's the problem. This government actively pursues ways in to punish Australian workers are already feeling hurt and fiscal pain, and they are trying to maximise that. They've cut penalty rates. There's a protection racket going on for people who are committing large-scale systematic wage theft. They seem desperate to dismantle our world-leading superannuation retirement savings schemes and have an ideological obsession with attacking working Australians' representatives in their unions. Remember: it is those unions that have actually exposed wage theft. So, in fact, they are trying to stop those registered organisations from doing their job and exposing and bringing to light large-scale wage theft, and there have been many cases over the last few years. It's essentially taken a celebrity chef and the public outrage about George Calombaris and the MaDE Establishment group that has made the government think: yes, maybe we should do something about that. But of course we've been through many wage thefts in the last few years in the life of this government where they have done nothing. Those wage thefts include 7-Eleven, the Lush group, Michael Hill Jeweller and Domino's Pizza to name but a few.

Though he was a conservative himself, Winston Churchill's definition of a fanatic fits aptly those who are on the Treasury benches. He said:

A fanatic is one who can't change his mind and won't change the subject. They see the evidence in front of them that Australian families are hurting and that the economy is tanking, but they won't change their mind. There's nothing to see here; move it along. They have the ability in government to
do something about this. They have the levers. They can stimulate the economy, invest in nation building and stop punishing workers, but they won't change the subject. It's the big, bad scary unions, they say.

Mr Morrison's government and his country reserves team of ministers stand here while people literally have to choose whether to eat or pay their power bill so they can turn the heating on this winter. The fact that there are some people who live with such little dignity in our country is a total indictment. The government's answer to whether they will raise Newstart, a payment that hasn't received an increase since the early 1990s, is: 'But these people get other payments, and anyway Newstart's only meant to be a transition payment.' And of course my favourite: 'the best form of welfare is a job' is the common catchcry. It's patronising and it's cruel. These are people who need, in order to get a job, to be able to spend money on public transport and be properly attired for work or for a job interview, but they don't have that option—not on this payment. And, of course, the total disregard for the argument that: if you increased Newstart you would, of course, have a fiscal stimulus because people receiving Newstart would go out and spend that money so that would stimulate the economy and you wouldn't have centres in regional towns where most of the shops are empty.

While there are some of those opposite who seem to lack even the most basic of human compassion, one member of their team seems to have undergone a conversion of sorts, albeit in ministerial exile. The member for New England has this week come around to the idea that many of those on Newstart, those who are doing the toughest, should receive an increase to their payment. I am not going to denigrate Mr Joyce for arriving at a position of empathy and passion, no matter the path he trod to get there.

The ACTING DEPUTY PRESIDENT (Senator Brockman): I will just remind you to refer to others from the other place by their correct title.

Senator KITCHING: Mr Joyce, I think is acceptable.

The ACTING DEPUTY PRESIDENT: Yes.

Senator KITCHING: That's what I said: Mr Joyce. We'll check the Hansard, but I did give him a title.

The ACTING DEPUTY PRESIDENT: Apologies then.

Senator KITCHING: I would never refer to a member of this place without the appropriate appellation. This government has been in government for more than 2,000 days. Since 18 May, there's been a majority in this place and, essentially, an effective majority in this chamber. If this government, given it has effective control of both chambers, is serious about helping struggling Australians and kickstarting this moribund economy, there would be ways and means of doing that because if you control the Treasury benches you can actually help people. But I think this government has shown that it has very little desire to do that. These are, after all, the quiet Australians which this government claims to represent.

If this government did care and it did worry about the quiet Australians, it would champion a strong superannuation system that provides income in old age and dignity to Australians in retirement. We now know, because of the actuarial tables, that in fact the 9.5 per cent is not adequate and it does need to rise, and even then there's going to be a bit of a gap. But we do know that superannuation does need to rise. You've got a government that says that it believes in limited government, but secretly they're rather statist because in fact what they are doing is setting people up. For example, Senator Bragg's argument around having voluntary superannuation at some levels of income would set people up to be dependent on the old age pension. That is really a statist solution from a government that says it believes in a limited government. In that example you would make women far, far more reliant on others and on the state, disproportionately with males. And, of course, already we know that one-third of women retire into poverty.

There are members that will be in future leadership positions in this government, and they will be making policy decisions for the government. It was as if they were trying to see who could out run each other. I quoted a former Liberal Treasurer earlier, but let me quote another; however, this one has since become the Prime Minister. Back in 2017, Mr Morrison said that low wage growth was 'the biggest challenge facing the Australian economy'. Let me repeat that: Mr Morrison said that the low wage growth was 'the biggest challenge facing the Australian economy,' and that was in 2017. It's now halfway through 2019, and nothing has happened. This government needs to act on the information revealed in the latest Household, Income and Labour Dynamics in Australia survey, address the declining economy and stand up for working Australians.

The ACTING DEPUTY PRESIDENT: I do apologise for mishearing you and interrupting. It not yet being six o'clock we will need to put the question on general business notice of motion No. 80 from Senator Gallagher.

Question agreed to.
The following documents were considered:

President's report to the Senate on the status of government responses to parliamentary committee reports as at 30 June 2019. Motion to take note of document moved by Senator Urquhart. Debate adjourned till Thursday at general business.

Universal Service Obligation—Order of 3 April 2019—Letter to the President of the Senate from the Minister for Communications and the Arts (Senator Fifield) responding to the order and raising public interest immunity claims. Motion to take note of document moved by Senator Urquhart. Debate adjourned till Thursday at general business.


Clean Energy Regulator—2018 Annual Statement to the Parliament on the progress towards the 2020 Large-scale Renewable Energy Target. Motion to take note of document moved by Senator Urquhart. Debate adjourned till Thursday at general business.


Closing the Gap—Resolution of 2 April 2019—Letter to the President of the Senate from the Premier of South Australia (Mr Marshall). Motion to take note of document moved by Senator Urquhart. Debate adjourned till Thursday at general business.


Department of Home Affairs—Paladin contracts—Order of 4 July 2019—Letter to the President of the Senate from the Minister for Defence (Senator Reynolds) responding to the order; and letter to the President of the Senate from the Minister for Home Affairs (Mr Dutton), and attachment. Motion of Senator Ciccone to take note of document agreed to.


Procedure—Standing Committee—Reference—Copy of letter from the President of the Senate to the Chair of the Procedure Committee (Senator Lines), and attachments. Motion of Senator O'Neil to take note of documents agreed to.

Sydney Airport Demand Management Act 1997—Quarterly report on the maximum movement limit for Sydney Airport for the period 1 January to 31 March 2019. Motion of Senator O'Neil to take note of document called on. Debate adjourned till Thursday at general business.


Treaty—Bilateral—Agreement between Australia and the Oriental Republic of Uruguay on the Promotion and Protection of Investments (Canberra, 5 April 2019)—Text, together with national interest analysis and annexures. Motion of Senator Urquhart to take note of document called on. Debate adjourned till Thursday at general business.


Orders of the day nos 1, 2, 4, 5, 10 to 13, 16 to 24 relating to documents were called on but no motions were moved.

**Australian Building and Construction Commission**

**Consideration**

**Senator CICCONET** (Victoria—Deputy Opposition Whip in the Senate) (17:50): I move:

That the Senate take note of the document.
I would like to speak on the Australian Building and Construction Commission report this evening. When the ABCC came into effect in December 2016, Australians were under no illusions that the establishment of this body represented the opening salvo of a government determined to undermine their rights at work. It will come as no surprise that since that time the ABCC has worked to curtail workers' rights to organise, as is well illustrated by this report. In the report, we can see that of the 138 matters investigated by the commission in the third quarter of 2018-19 almost two-thirds of them related to complaints by building and construction bosses against their workers and their representatives.

To provide some context to those figures, in the same financial year the commission undertook a bare11 investigations into sham contracting. This is despite the fact that sham contracting is currently the subject of possibly the largest employment class action commenced in Australia to date, worth an estimated $400 million.

We know that this government, this Liberal coalition government, is no friend of working people. We know from the HILDA survey released earlier this week that over the last six years of the Liberal government household incomes and living standards have gone backwards. Every day all Australians are losing their rights at work and their entitlements to a workplace that is both safe and fair.

In another case illustrated in the report, the ABCC also had a number of issues relating to right of entry. There was a right of entry complaint raised by an employer and the report shows that the ABCC incurred initial costs of close to $25,700. That's $26,000 of taxpayer money spent investigating something akin to a union rep talking to their workers and members in the workplace.

We know, on this side of the House, that unions play an important role in achieving what many Australians take for granted. Let us not forget that it was the movement that fought and won for Australian workers to have entitlements to their annual leave, sick leave, superannuation and workers compensation. When the ABCC seeks to undermine the important role that unions play in keeping our economy fair, it undermines the position of every Australian worker.

When the ABCC seeks to investigate right of entry complaints by bosses at a rate far in excess of that in which it investigates wage and entitlement complaints against the bosses, as this report shows, there's something amiss.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

**COMMITTEES**

**Select Committee on Stillbirth Research and Education**

**Government Response to Report**

Consideration resumed on the motion:

That the Senate take note of the document.

**Senator KENEALLY** (New South Wales—Deputy Leader of the Opposition in the Senate) (17:55): I would like to begin by thanking the government for responding to the report of the Senate Select Committee on Stillbirth Education and Research. This was a significant report. For the first time in Australian history we have a national set of recommendations to address the tragedy of stillbirth in this country. Stillbirth is a tragedy that affects six Australian families a day; 2,200 babies a year are lost to stillbirth. In the last 20 years, the rate of stillbirth has not changed in this country. I use the 20-year figure because that's as long as we have been keeping accurate—or at least somewhat accurate—data. In those 20 years, some 44,000 babies, who were wanted and loved by their parents, were lost to us. Quite tragically, they were lost to us in large part—a large number of them—because we as a country, collectively, had not spoken about the issue of stillbirth, had not sought to understand what causes stillbirth and were not providing parents and clinicians with the advice that would help prevent stillbirth. The rate of stillbirth in this country is higher than the road toll. It is the No. 1 killer of babies under the age of one.

This inquiry allowed parents who have experienced stillbirth to speak. And speaking is important, because this is an issue where remaining silent has been of great detriment to the Australian community and to Australian families. Remaining silent has meant we don't talk about it. It's meant we don't address it. It's meant that stillbirth has been a tragedy people have suffered in silence. We viewed it as a private tragedy, not a public health problem. And it is a public health problem. It costs us an extraordinary amount of money. Analysis done by PricewaterhouseCoopers showed that stillbirth cost the economy $680 million over five years, and that's before we really get to the impact of what it cost the health system.

This inquiry had submissions from hundreds of parents, as well as researchers and clinicians. It was an inquiry, perhaps unlike many others done in this place, where there were no bad guys; there were only victims, and the
only thing that they were victimised by was the silence of the last 20 years. This inquiry gave them the chance to speak. They spoke loudly and passionately and they were heard by this Senate.

The report made some significant recommendations. I want to speak briefly to three broad areas. One is research and information. We are really bad in Australia at collecting data when a stillbirth occurs. We have a shockingly low rate of autopsies when a stillbirth occurs. We do very little to put information about a stillbirth back into the clinical practice in order that we might prevent it in future. We collect data inconsistently across jurisdictions. We even have two national datasets that give us wildly varying figures on the actual number of stillbirths. If you were to look at the ABS data, it would only report about half of the stillbirths that actually happen. So we aren't very good at this. Other jurisdictions are much better, and we can learn from them. The report sought to do this.

I particularly note that this report made a recommendation that we should consider placing autopsies for stillbirth as a Medicare item. The government have accepted that and are seeking advice on doing just that. That would make a massive difference. The reality is that stillbirth autopsies are not funded in this country. It's one of the reasons we don't do them, and it's one of the reasons parents don't get information and clinicians don't get information to prevent stillbirth.

One of the other areas the report covered was around bereavement. I have to say to the Senate that I was a little bit taken aback by the extent that the report went into bereavement, because we started out really looking at education and research. What we uncovered is that bereavement care plays such an important role in preventing future stillbirths, in helping parents to return to work, in helping our medical profession deal with their own bereavement and particularly in helping the medical profession understand what causes stillbirth and how we can prevent it. On bereavement support, the report made recommendations regarding employment and paid parental leave. That was regarding supporting families at the point at which a stillbirth occurs and particularly in providing bereavement support for culturally and linguistic diverse communities and Aboriginal communities, where the tragedy of a stillbirth is sometimes experienced in a different way to the broader community and where we need special care.

The inquiry and the process of writing it was a remarkable one. I want to pay tribute to the chair of this committee, Senator Malanndirri McCarthy, and to the other senators who participated: Senator Bilyk and Senator Rice and former Senators Gichuhi and Molan. Senator McCarthy was a very wise chair, and we benefitted greatly from her leadership. Senator Bilyk brought passion and the experience of being the mother of a stillborn son, Timothy. I want to particularly note former Senator Jim Molan, who is not here. I know he wishes he could be here to see and appreciate the government's acceptance of all of the recommendations of this report. Former Senator Molan was a very valuable member of this committee. He was the deputy chair. He contributed well. His granddaughter, Emily Charlotte, was lost to stillbirth too. He brought that passion as a grandparent, which we heard about during the committee too. Perhaps I'm not helping the former senator's career when I say this, but I wish he was in this chamber and perhaps they might think about bringing him back.

I particularly would like to thank Minister Greg Hunt for the way in which he interacted with the committee and has led a government response that his seen the government accept all of the recommendations. It goes to show that sometimes, in a place that is marked by division and adversarialism, that we can come together to do things well. I also want to thank Labor's former health spokesperson, Catherine King, and our new health spokesperson, Chris Bowen, who have constantly and always supported me and the Labor members of the committee to persist in this work. I also want to thank the Senate for its unanimous support in getting this Senate select committee up. In doing that, I acknowledge that when that when I first arrived here I didn't have much awareness of how one gets a Senate select committee up. I would like to thank Senator Farrell and Senator Wong for their assistance in that. It was very gratifying to have the opportunity to draw the Senate's attention to the issue of stillbirth.

As I said, there were several hundred submissions. In closing my remarks, I want to pay tribute to the parents who showed courage, coming forth to talk—often in great grief, but with a spirit of generosity—to share their experiences as the parents of stillborn children with the Senate and with the country. My experience in this inquiry was a difficult one. My daughter Caroline was stillborn 20 years ago. I was just filled with admiration at the courage with which some of these parents could come forward—sometimes just months after their children had been lost—to be able to speak, coherently, compassionately and with conviction about what we, as a country, needed to do to ensure that other families didn't live through this tragedy.

This report acknowledges that, if we adopt the recommendations, there is great confidence that we could reduce the rate of stillbirth by 20 per cent in just three years. That would be remarkable. That would be hundreds of babies' lives saved. The researchers that we spoke to were quite confident that we could easily exceed that, but we need to take the first step. The first step was taken by the Senate, and I thank the Senate. The next step has been
illborn, he didn't even rate as a care number is really important because the last o much more le to all of the recommendations of the Senate selectator Keneally's Caroline is still her Caroline. Every day, my Australian families and the Australian economy. Senator Keneally mentioned erra at the rate of stillbirth in Australia is S. We all know that, with SIDS having a community approach and some funding being put into SIDS, we managed to reduce the rate of SIDS dramatically over the past few years. I just want to point out to people that it is 30 times more common. You can tell that the rate of stillbirth in Australia is still way too high.

As Senator Keneally also said, we've seen very little action. In fact, statistics have been kept for only the past 20 years. Thirty-six years ago, when my husband and I had our son and he was stillborn, he didn't even rate as a statistic, let alone anything else, and there was no counselling or support available for us. Nobody really came to us or spoke to us very much. We were lucky that we did have very good friends. We were living here in Canberra at the time, away from all our family. So, for me, this was a very personal inquiry as well.

One of the things that I took from this inquiry was the importance, as Senator Keneally also mentioned, of being able to speak about your child. Every day, Senator Keneally's Caroline is still her Caroline. Every day, my Timothy is still my Timothy. No matter how many years go by, they are still our kids. I just want to thank Senator Keneally because she brought this inquiry to the Senate. Without her doing that, this wouldn't have happened. Senator Keneally, you have changed the lives of so many parents by bringing it to the Senate. Being able to talk about it makes life a little bit easier. Parents don't ever forget their stillborn child—ever.

One of the things about this committee was that we started to remove the taboo around death, stillbirth and dying, and 'What's worse than having your baby die?' It really is something that people are very uncomfortable in speaking about, but this committee enabled people to start talking about it, and I think that's wonderful. I've always spoken about our son and I've left lots of people not knowing how to handle me, but I was never going to denigrate his existence. Family members who had stillborn children long before me—in fact, decades before me—did things after the inquiry like organising a memorial plaque for their child, which they didn't do previously, because it has come into the open so much more.

As Senator Keneally also mentioned, there were about 300 submissions to this inquiry. That shows the level of interest. When people gave evidence, especially the parents, it was extremely moving. It was a tough inquiry to do, but it was so worthwhile to be able to do it. I want to take this opportunity today to thank those parents who were so courageous to tell their stories. It stays in my mind that there was a mum and dad who had lost their baby 12 weeks before. I have to tell you that, 12 weeks after losing my son, I don't think I could have fronted a Senate inquiry. But they did. The courage and frankness the parents in particular showed to the committee was amazing.

I also want to take this opportunity to thank all the committee members. As Senator Keneally mentioned, it's nice when you can work in such a cooperative fashion with people right across the chamber. You would hope that there wouldn't be any sort of dissent on this issue, but you can never be sure. Everybody on the committee was respectful to not only the people giving evidence—and, as Senator Keneally said, that was researchers, parents and others—but also each other. I think that speaks heaps for how really well this chamber works when it works well.

We have seen successes achieved in other countries. Australia really lags behind countries like the United Kingdom, New Zealand, Norway and the Netherlands. It's really time that we took concrete action to start reducing the number of stillbirths in Australia. This committee inquiry was the first national investigation and report on the impact of stillbirth on Australian families and the Australian economy. Senator Keneally mentioned that. One of the things people on the outside, so to speak, don't understand is the effect that it can have on the economy.

The fact we've been able to have autopsies allocated a Medicare number is really important because the last thing you want when you're grieving is to have to find the money to have an autopsy. We didn't have an autopsy on our child. We just could not afford it, so it didn't happen. Things like that will give us so much more information for research into what causes it. A variety of issues can cause stillbirth of course—anything from a genetic issue to how the blood is pumped to the baby and all sorts of things. Being able to find out what might cause it is beneficial to not only the country and prospective parents but also the parents whose child has died.

As Senator Keneally said, the report made 16 recommendations. I see it as the first step. Labor welcomes news that the government has agreed or agreed in principle to all of the recommendations of the Senate select
committee. We also welcome the announcement by the government of additional funding for perinatal services. This will aid research and prevention programs to drive down Australia's stillbirth rate. We remain committed to working with the government to prevent these tragic deaths in the future and we offer our support in developing a national stillbirth action plan. I recognise that the government is taking steps to make progress on this issue. I'm hopeful and confident that the government will accept our support.

In the last minute or so that I have left I would once again like to pass on my sincerest heartfelt thanks to all those people who gave evidence to the inquiry, to the committee members and to the secretariat. Sometimes I think the staff in the secretariat just go way above and beyond—from discreetly supplying tissues to being so professional about the whole inquiry. I would really like to thank the secretariat that worked on this inquiry. They didn't choose to work on this inquiry. I actually did choose to come on this inquiry; they didn't. They were so professional, and so caring of the witnesses in particular, that you've just got to stop and think about the great job they've done. I know that Senator Keneally, Senator McCarthy, who was the Chair, Senator Molan, Senator Rice and former Senator Gichuhi also really appreciated the support of the committee secretariat. On that note, I will seek leave to continue my remarks later.

Leave granted; debate adjourned.

AUDITOR-GENERAL'S REPORTS
Report No. 35 of 2018-19

Consideration

Senator CICCONE (Victoria—Deputy Opposition Whip in the Senate) (18:16): I move:

That the Senate take note of the document.

I rise tonight to talk about the Auditor General's report and the performance of the Special Broadcasting Service Corporation. The SBS is one of our nation's most important cultural institutions. It is welcome news that its governance arrangements are, in the words of the Auditor-General, both fit for purpose and effective. As most senators in this place would know, the SBS started its life in 1978 and exists to reflect the multicultural community which we are all so proud of. As the Auditor-General notes, its role is not just to keep Australians informed but also to educate and entertain, and to pioneer our rich and diverse cultural heritage.

It is easy to take the SBS for granted. After all, as it has been in existence for over 40 years, it's hard to remember a time when it hasn't been around. Nonetheless, to help us appreciate its true value to modern Australia today, it's important to reflect on what there was before—or, rather, what there wasn't. Before the SBS, it wasn't just the case that there was an absence of multicultural broadcasters in Australia; even having one was legally precarious. A point not touched on by the Auditor-General is that, before 1970, radio stations in Australia were prohibited from broadcasting more than 2.5 per cent of their programming hours in foreign languages. Such restrictions meant that, for new migrants to Australia, being able to keep up with the news from home or to express their cultural heritage was almost impossible.

At the time, Labor understood the impact that this was having on new Australians, and so began the process of winding back these outdated laws and paving the way for the establishment of an institution that would proudly express our status as a welcoming and diverse nation. This great endeavour would lead to the SBS we know today, with what the Auditor-General explains is its commission to inspire all Australians to explore, appreciate and celebrate our diverse world and, in doing so, contribute to our cohesive society.

Sadly, successive budgets under the Morrison government and previous coalition governments have resulted in the SBS suffering from cuts amounting to tens of millions of dollars, all coming at a time when its importance could not be greater. The Auditor-General reports that roughly 30 per cent of the funding of the SBS is generated through 'own-sourced revenue'. This comes from the sale of goods and services, and is predominantly from advertising revenue. What this tells us is that the SBS is already pulling its own weight.

I hope that the budgets to come from the Morrison government reverse the recent pattern of austerity in relation to public funding for the SBS and that the Prime Minister will come to appreciate the SBS as strongly as I and millions of others do. As the Auditor-General's report makes clear, the SBS is a well-run organisation that is managed responsibly, and that's coming from its board. In turn, it is the responsibility of all of us in this place to ensure that the SBS is adequately funded and supported by government to continue the good work it does in our community. I seek leave to continue my remarks later.

Leave granted; debate adjourned.
BUSINESS

Leave of Absence

Senator McGrath (Queensland—Deputy Government Whip in the Senate) (18:20): by leave—I move:

That—

Leave of absence be granted to the following senators on account of ministerial business:

(a) Senator Birmingham for today;
(b) Senator Payne for 31 July and 1 August 2019.

Question agreed to.

COMMITTEES

Joint Select Committee on Road Safety

Appointment

The Acting Deputy President (Senator Fierravanti-Wells) (18:20): A message has been received from the House of Representatives forwarding a resolution agreed to by the House relating to appointment of the Joint Select Committee on Road Safety.

Senator McGrath (Queensland—Deputy Government Whip in the Senate) (18:20): by leave—I move:

That the Senate concurs with the resolution of the House of Representatives contained in message No. 38 relating to the appointment of the Joint Select Committee on Road Safety.

Question agreed to.

BUSINESS

Days and Hours of Meeting

Senator Seselja (Australian Capital Territory—Assistant Minister for Finance, Charities and Electoral Matters) (18:21): I move:

That—

(a) the Senate, at its rising, adjourn till Monday, 9 September 2019, at 10 am, or such other time as may be fixed by the President or, in the event of the President being unavailable, by the Deputy President, and that the time of meeting so determined shall be notified to each senator; and

(b) leave of absence be granted to every member of the Senate from the end of the sitting today to the day on which the Senate next meets.

Question agreed to.

ADJOURNMENT

The Acting Deputy President (Senator Fierravanti-Wells) (18:22): Order! I propose the question:

That the Senate do now adjourn.

Millar, Ms Ann

Senator Brockman (Western Australia—Deputy Government Whip in the Senate) (18:22): Thank you very much for your assistance, Acting Deputy President Fierravanti-Wells, in organising the timing of this evening. I have some very special people in the gallery this evening.

Australia is a huge country but a small place. All of us in this place know that two degrees of separation is all too common an occurrence. It would surprise none of my new colleagues to know that, when I started travelling to Canberra on behalf of the Pastoralists and Graziers Association of Western Australia in 2005, I was coming to a city that was home to two aunts, an uncle and a number of cousins. My aunts Ann and Julia and uncle David all made the long journey from Pemberton in the deep south-west of Western Australia to our nation's bush capital. I made that journey much later, but it meant that my time in Canberra, from my first visit here, has been touched by family, all linked back to our family farm on the banks of the Warren River.

My aunt Ann passed away a few weeks ago, and tonight I rise to pay tribute to her not just as a much-loved mother and grandmother, though she certainly was, and as a much-loved sister or aunt, though again she certainly was. Ann's family and friends have celebrated her life, her sharp humour and her ready smile and laugh. Tonight I rise to speak about part of Ann Millar's professional life. Again, through the strange twists of fate and circumstance, my aunt Ann Millar, hailing from the Warren, came to work in this building for a significant part of her working life.

Ann joined the Department of the Senate as a special projects officer at the Procedure Office on 1 June 1987, having previously had a period with the Parliamentary Library. In September 1987, Ann was appointed research
officer in the Procedure Office of the Senate. In February 1989, she was promoted to senior research officer and in 1991 to principal research officer. In December 1993, Ann became director of the research section. During her time in the Procedure Office, Ann Millar established the Senate's exhibition program, which included exhibitions on the revolution of 1688-89 and the Bill of Rights, and that exhibition took place in 1988-89; an exhibition on Senate committees in 1990; an exhibition on women in parliament from 1992 to 1994; and Federation and the writing of the Australian Constitution, which took place from 1994 to 2001.

During this time, Ann managed the Trust the Women exhibition which was on display in Parliament House from 1992 to 1994, some 50 years after the election of Dorothy Tangney and Enid Lyons to this place. Ann published a book, Trust the Women, in 1994, which further detailed the history of women's struggle to gain parliamentary representation and influence the course of legislation. The exhibition later toured several capital cities. In 1994, Ann Millar was the inaugural recipient of the department's Meritorious Service Medallion, awarded to recognise exceptional outstanding performance by officers, for her work on Trust the Women.

In January 1990, Ann visited the United States Congress, where she met Senate historian Richard A Baker and saw the work of the Senate Historical Office on the Biographical Dictionary of the United States Congress. As Director of Research, she established the Biographical Dictionary of the Australian Senate, a reference work which lives on, and is on the careers and lives of Australian senators. This was a Centenary of Federation project. From 1997 until her retirement in 2008, she served as the director of the Biographical Dictionary Unit and editor of the first three volumes, covering the years 1901 to 1983. Ann Millar retired on 1 February 2008.

I know we are not supposed to use props in this place, but I have here just the first volume of the biographical dictionary. It now extends to four significant volumes. Without doubt, the Biographical Dictionary of the Senate was Ann's crowning achievement. Under the aegis of the Clerk of this place, Harry Evans, Ann undertook this immense project in scholarship that now extends, as I said, to four volumes. Ann always spoke glowingly of Harry Evans and the opportunities he afforded her in the task of developing and taking through three volumes of the biographical dictionary. Her co-editor of the third edition, Geoffrey Brown, wrote:

Ann Millar, originator of the concept of the dictionary, editor of the first two volumes and co-editor of this volume, retired in 2008. Her absolute commitment to the dictionary, along with her exacting standards of scholarship, have ensured the success of the project over the last sixteen years.

Harry Evans's successor as Clerk, Rosemary Laing, wrote to Ann's children with these words:
She established a permanent place for exhibitions on the Senate side of Parliament House … which were highly influential in bringing attention to our Constitution and its history.

The high-quality design and the importance of telling an authentic story contributed to the growing reputation of the Senate Department under Harry Evans, whom Ann thought the world of.

Exhibitions were only one strand of Ann's work. She was also working on a revision of the short film, The People of Parliament.

And then there were the conferences and lectures—
also known as POP, Papers on Parliament— not to mention the public service seminars!
She sought out speakers who would have something useful and often entertaining to say about our system of government. … She didn't hesitate to seek out the best, whether she ran into them at the Red Hill shops or by approaching the highest offices in the land!

But of course, the big project was the four-volume Biographical Dictionary of the Australian Senate, which was a formidable undertaking. With a small team of dedicated staff, and lots of outposted authors, Ann steered it to publication.

Ann brought such flair and dedication to producing each volume, and each is a lasting monument to her scholarly reputation.

Ann Millar was a loyal servant of this place for over 20 years. She was a scholar of the history of the Senate and of Australian democracy. I thank all those who work here who have remembered Ann to me. In particular, I thank Paula Waring for compiling the biographical details of Ann's service, Cheryl Hardiman and Lea Boyle. Whilst to her family she is a much-loved mother, sister and aunt, tonight I remember her and thank her for her service to this parliament and its scholarship.

Vietnam Veterans

Senator BILYK (Tasmania) (18:29): On 21 July people around the world were celebrating the 50th anniversary of the Apollo 11 moon landing, a significant event in human history by anyone's measure. The date is recorded in US history as 20 July, but for Australians it happened on the 21st, owing to the difference in time zones. For a number of Australian veterans of the Vietnam War, that day—21 July 1969—has a very different significance.
Many Australians would recognise the lyrics of the song *I Was Only 19*, by Redgum. One of the lines of the song is:

And Frankie kicked a mine the day that mankind kicked the moon

Redgum singer and songwriter John Schumann based the song on the experiences of his brother-in-law, Mick Storen, or Private Mick Storen, during his service. While some of the facts have been changed, the mine incident is a true story, and it did happen on the same day Neil Armstrong set foot on the lunar surface. 'Frankie' refers to Private Frank Hunt, who was not killed, as the song implies. Furthermore, Private Hunt did not actually trigger the mine, as the song states; the mine was instead triggered by Lieutenant Peter Hines. The mine was an M16 Jumping Jack; 23,000 of these mines were laid, under the orders of Australian Brigadier Stuart Graham, to create a barrier aimed at isolating the Viet Cong. This turned out to be a tragic mistake, and one for which Brigadier Graham was intensely disliked by the Australian troops. Viet Cong engineers had quite cleverly—although at great loss to their forces—figured out how to dig up the mines and redeploy them against Australian soldiers.

A Jumping Jack mine is particularly deadly. Unlike a conventional mine, which explodes upwards, the Jumping Jack has a spring mechanism which causes it to leap out of the ground before detonating at waist height. This mechanism is what enables the mine to inflict multiple casualties with a single detonation. The mine that was tripped by Lieutenant Hines wounded 18 other soldiers, including Private Hunt and Private Storen, whose stories provided the material for Redgum's iconic song. Lieutenant Hines was to die from his injuries hours later. But despite being mortally wounded, he bravely continued to issue orders to his platoon, to clear paths and to tend to the wounded. During the mayhem that ensured, a second mine was tripped, which killed Corporal John Needs and wounded several more soldiers. Over the course of the war, 60 Australian soldiers were killed and another 250 wounded by redeployed Jumping Jack mines.

On 21 July, on the 50th anniversary of that mine incident, Senator Abetz and I were invited by the Vietnam Veterans Association of Australia to an event that commemorated the major battles of the Vietnam War in which Australian soldiers played a key role—in particular, the battles of Hat Dich and Binh Ba. The event was also an exhibition, featuring the artwork of veterans, including paintings by Dave Sturmer, a talented professional artist. Sapper Dave Sturmer, as he was known during the Vietnam War, was one of the soldiers wounded by the mine in the Light Green Zone. Counting the mine that detonated on 21 July 1969, Dave was wounded by landmines three times throughout the course of his Vietnam service. While Dave was unlucky enough to suffer mine injuries three times, he also had the incredible good luck to be able to tell the story by surviving. Dave's paintings are vibrant. They're colourful and incredibly detailed. If you want to see some examples of his artwork, visit www.davesturmer.com and you will see exactly what I mean. His paintings cover a variety of topics, but you can see that the military, and his Vietnam War service, has been a considerable influence for him.

While the exhibition featured some great talent, no artwork, no matter how good, could convey the experience of war in a way that anyone who has not lived through it could understand. Soldiers will often return home from war with physical injuries. Some are hidden; some are very obvious. But soldiers often bear mental scars, too, and these are usually less apparent. Post-traumatic stress disorder is a condition suffered by many soldiers who experience combat and quite a large number of those who serve in peacekeeping operations where they experience war-like conditions. Our understanding of PTSD, what triggers it and how it's treated, has improved greatly compared to 50 years ago. But, sadly, for some Vietnam veterans, the mental impact of the war was exacerbated by the way they were treated when they arrived home. Many returned from Vietnam in the middle of the night with little fanfare. Many were shunned and derided by people in the community, and for years following their return there was also a feeling that they were being blamed for some of the horrors of the war, particularly those perpetrated against civilians, even though these were primarily the fault of American political and military leaders.

This poor treatment was acknowledged decades later by political leaders. In 1988, the Prime Minister Bob Hawke referred to the welcome home parade in October the previous year as 'the recognition at last extended to our Vietnam veterans', and, in 2006, Prime Minister John Howard spoke of 'our nation's collective failure at the time to adequately honour the service of those who went to Vietnam'. It took until 1992 for a national Vietnam memorial to be unveiled on Anzac Parade in Canberra.

I understand the experiences I've spoken of were not universal among veterans. A number of veterans were treated to a welcome home parade on their return from Vietnam, did not feel ostracised by their fellow Australians and adjusted well in the return to civilian life. But the lack of recognition through the seventies and eighties of the sacrifices made by our Vietnam veterans and the lack of appreciation for their service has no doubt had an effect on many others and delayed their recovery.
Australia's involvement in the Vietnam War was controversial, but from those who opposed it there was often a failure to make a clear distinction between their position on the decision to go to war and their support for the troops who carried out that order. Contrast this with the Iraq deployment in 2003 where opponents of the war were at pains to point out that they backed our troops. A key opponent at the time was the Labor opposition and the then leader Simon Crean who listed in a speech to parliament opposing Australia's role in the invasion the points on which the opposition and government actually agreed. The first of these was:

Our total support for the brave men and women of the Australian Defence Forces and their families.

Even when our nation is divided on a decision to go to war, we can be united in our support for our servicemen and women doing the job they were sent to do, doing that job well and returning home safely. It's important that we send a clear message to our Vietnam veterans and that we acknowledge the incredible sacrifice they've made, the bravery with which they've fought and the professionalism with which they've carried out their duty. Any Australian who puts their life on the line in the service of country deserves no less than our thanks and respect.

I'd like to conclude by thanking the Hobart sub branch of the Vietnam Veterans Association of Australia and, in particular, Rob Woolley for inviting me to see the exhibition and to speak at it. I find it incredible that veterans who served and fought so bravely would want to hear from me, someone who has never experienced and would therefore never truly understand the horrors of armed conflict, reflecting on their experiences. I consider it to be an honour and a privilege to have been invited by those veterans to commemorate with them, and I thank them humbly and sincerely for their service.

Peace
Disarmament
Veterans Affairs

Senator STEELE-JOHN (Western Australia) (18:38): I am incredibly excited to make a contribution tonight which constitutes my first substantive remarks in the area of peace, disarmament and veterans affairs as a base of responsibility I've assumed on behalf of the Green post the federal election. What I would like to do tonight is briefly outline to the Senate the grounding experiences that will guide me in this work and some of the priorities that I believe we need to be talking about on behalf of the Australian community in this space.

Many folks in this chamber and elsewhere will have heard me on many occasions talk about my close relationship with my grandparents, Len and Jean—they're probably actually watching tonight. Many of my most valued memories of my childhood are of tinkering with bits and pieces around Nan and Pop's house, particularly in Pop's study. I was always drawn, as a kid and as I am still now when I get time to go around there, to a picture on the wall of a young man wearing a military uniform who bears a striking resemblance to me. That man was my grandad's brother, Uncle Gordon as I knew him, who lost his life in 1944 on a routine U-boat patrol over the Channel. Part of his flight crew was a man with the surname of Minogue, whose name sits etched upon the war memorial in this great capital.

The loss of Uncle Gordon echoed down the generations of my family. My great grandma never got closure, because they never found his body. A lot of that grief was passed round to all of the members of the family. The absence of this man, whose diaries and worksbooks I have had the opportunity to read over the years, was a profound one. You can still now go and look at his really fine detailed writing and sketching and think to yourself what more he might have done had he lived. That sense of what is lost when we send somebody into a conflict situation—the effect on them, their family and the future of that family—is something I carry with me very deeply. A desire to prevent the unnecessary loss of life that is an almost inevitable part of the profound political failure that is so often armed conflict is one that is deep within me. In fact, it's one that led me, particularly, to become part of the Greens movement. I'm very proud that ours is a party with peace and nonviolence at the core of all we do. In WA, there is a great history of this, with the great peace advocates—Jo Vallentine, Trish Cowcher Annabel Newbury-Freeman and Margaret Beavers—being at the centre of a movement in Western Australia during the eighties of particularly women who stood up against the mutually assured destruction that was at the centre of the Cold War and fought for the future of our planet against the nuclear destruction that was being borne down upon us by two great superpowers who were determined to, it seemed at the time, rule the ashes of a broken world. They came together, and they pushed back, and from that was born a political movement that came to be known as the Greens WA. That is something that sits with me also. They did that. They attended those protests. They made their arguments. They brought those arguments to the centre of Australia's political debate in the face of much resistance on behalf of the political establishment who derided them as idealists, as naive, as disconnected, only to be proven by the passage of history to be the most realistic, clear-eyed ones in the room. They were the only ones who could see that, if we did not divert from the course of mutually assured nuclear destruction, we would lose the planet, everything on it and everything worth living for.

CHAMBER
I'm incredibly honoured to be travelling this weekend to attend the annual IPAN National Conference in Darwin where peace activists from across Australia will come together to discuss the state of the global peace movement and what must be done to bring about the reality of peace in our time not only in Australia but across the world. It's very apt that we do this in that location, for it's the very sitting that is right now playing host to the embodiment of one of the most disastrous decisions our foreign policy and defence relationship here in Australia, that being the US alliance. I don't know about anyone in this place, but I cannot think of a single family in Australia who would be happy to have their kids marched to war under a banner of regime change led by Donald Trump. Yet that is the terrifying reality of our continued participation in the US alliance. It is not a structure which suits the modern day Australian community or our international context.

I also fundamentally believe that the Australian people want us, here in this place, to take responsibility if ever we do again ask men and women to go from our shores and fight in another place, to take honest responsibility by passing in this place a war powers act, ensuring that we can never again deploy troops overseas without an honest and transparent vote of these chambers so that nobody can ever again say: 'We didn't know. We didn't have a role in this,' because you did. You voted on it.

I also fundamentally believe that the Australian people do not want to see their community, their economy, their industry, terraformed into a weapons manufacturing complex. The Australian people have higher ambitions than to become global merchants of death, and yet that is the trajectory on which the government have set the Australian economy and which the opposition have followed. We are down now to spend $100 million a day on the defence industry between now and 2035—a shocking figure that I believe would meet with so little community support as to be a laughable proposition, if it was fully understood.

What could we do? Does anybody truly believe that the limit of the Australian nation, with that kind of economic capacity, is exporting weapons of death and selling them to countries like Saudi Arabia, who are engaged in horrendous human rights violation right now? I think the Australian people have got a far higher and more moral horizon to which they would like to see us look.

Finally, I would say that the Australian people are right to expect that we, here in this place, do what we can to ensure that those forces which we do have within our services, our defence structures, are aligned with the threats which actually confront the Australian nation, which are actually those that are needed in our region—not the imagined threats of a defence policy establishment, of a defence establishment that is stuck in the past, stuck in the Cold War believing that we're going to fight the next regime change war or be a key player in the next global contest for power. The reality is for our defence forces that the challenges of our region are a challenge of climate change. Climate change is the great defence threat of our Asia-Pacific region. I intend, over the next months and years ahead as I work in this space, to outline the ways in which we can reform our forces, reform our structure, to manage that threat and play a humanitarian role in our region and ensure that nobody ever gives their life unnecessarily and that we achieve peace in our time.

Religious Freedom

Senator FIERRAVANTI-WELLS (New South Wales) (18:48): I rise this evening to once again speak on the important issue of religious freedom. Recently I launched a petition on behalf of Australians of faith or not of faith for a religious freedom act. I take this opportunity to once again thank the people of Australia for supporting my petition. I have been humbled by the outpouring of support from people right across Australia. I encourage all who believe in freedom of speech to continue to sign and mail the petition to my electorate office as soon as possible and as often as possible.

As I continue to meet with religious leaders and their communities, they continually voice their concerns about their institutions being closed down and staff at their various centres, facilities and charitable organisations at risk of losing their jobs. The reason for this being because they have expressed their beliefs or values.

The need for positive religious freedom laws is due to the growing body of cases in Australia of people having their freedom of speech, conscience, thought and religion eroded, one person at a time, one case at a time. Organisations such as the Australian Christian Lobby and the Institute for Civil Society have been cataloguing the growing number of cases of religious discrimination and religious freedom incursions over several years, and organisations such as the Human Rights Law Alliance have been representing and defending the rights and religious freedoms of individuals and organisations in various courts throughout Australia.

As I did last week, I would like to spend some time highlighting cases in Australia of discrimination that do not receive any attention from mainstream media, yet they are important because, as I said last week, it could be you or I on the next occasion. Jamie—not his real name—is a Christian and a supporter of traditional marriage. He is also a teacher at a government school. He shared articles from various sources about same-sex marriage and offered his own alternative views. Complaints were made to his school about him being homophobic.
Consequently, Jamie was placed under investigation by the Department of Education for alleged breaches of discipline. He sought legal advice and negotiations took place with the education department. The investigation was subsequently dropped and there were no adverse findings against Jamie.

Another case relates to freedom of speech and street preaching. Caleb Corneloup is a street evangelist who has been preaching for several years. He applied to Launceston City Council for a permit to conduct street preaching and evangelistic activities in the city mall. However Launceston City Council declined his permit. Consequently, he sought legal advice from the Human Rights Law Alliance against the local council prohibition in the Federal Court. He argued that such a decision was not properly made, was discriminatory on the grounds of religion and was invalid by reason of the implied freedom of political communication in the Australian Constitution. He was successful and the council granted him a permit to evangelise in the city mall.

Michelle Fraser—and this is her real name—is a woman who was a pro-life advocate and has been personally affected by abortion. She decided to stand on a Melbourne footpath in the vicinity of an abortion clinic and hold images of a dead fetus. She wanted expectant mothers who are considering an abortion to know that an unborn child is a living human being. Consequently, a police officer fined Michelle. She was charged with the criminal offence of displaying an obscene figure in a public place. After she was convicted in the Melbourne Magistrates' Court, the alliance provided legal assistance and challenged the decision in both the County Court and the Supreme Court of Victoria. Lawyers argued the image was not obscene because it was comparable to shocking images of a political or health warning nature. Unfortunately, the Supreme Court of Victoria upheld the decision, finding the image was obscene and disgusting. This is particularly relevant given the protests that we are now seeing outside the New South Wales parliament. Minister Damien Tudehope, in an opinion piece in The Sydney Morning Herald today, described the laws as 'the most extreme abortion laws in the country—perhaps in the world—including unrestricted abortion until the moment of birth'.

I move to another example. Maria—not her real name—is a medical general practitioner. She is a doctor who has conscientious convictions about various issues, including family and bioethics. She was approached by a couple wanting to utilise IVF services. Maria explained that such medical procedures were not within her area. The couple requested a referral to see another doctor, which she declined. Consequently, the couple lodged an official complaint against her with the Medical Board alleging she had unfairly discriminated against them in her practice of medicine. The Medical Board ruled the complaint was without bias, and this is an important win for the freedom of conscience for doctors.

Neil Aitchison is a Christian pastor in Adelaide. He strives to assist the poor in his area. He also travels regularly to Myanmar and India to empower local people to build small businesses to reduce poverty. His Sanctuary Surfers business raises money to support these initiatives. The shop displays products with Bible quotes and Christian paraphernalia. In 2016 a journalist visited his shop and found, amongst the stock items, T-shirts bearing the words 'Love is choice'. An article followed in the local newspaper entitled 'Sanctuary Surf causes waves of offence'. The article alleged the shirt had an intended homophobic hate message. It also attacked Neil on other grounds. The allegations were not true. Consequently, after the publication of the article, the shop was vandalised several times, his front windows were smashed and he was inundated with prank telephone calls. When Neil went to speak to the local newspaper about the article, the police were called and, when they arrived, they promptly removed him for allegedly trespassing. He sought legal advice on this, and the alliance was able to help Neil in obtaining an appropriate settlement for defamation and his associated losses.

All these examples demonstrate the same characteristic—the victims innocently exercising their rights to freedom of speech, of conscience, of thought and of religion. They did not resort to forms of intimidation, harassment, persecution or violence. Fortunately, they were targets of the very same behaviour, and had to resort to legal avenues to reassert their rights as Australian citizens. One would think that this should not be happening in Australia, but it is, and future cases like this are not going to disappear with the enactment of a minimalist religious antidiscrimination act. These cases can only be averted with the enactment of a full suite of provisions for religious protection, such as a religious freedom act.

I reiterate my plea to those quiet Australians of family and faith to write to their local MP. I refer again to what is happening in New South Wales at the moment. What is especially galling, as has been outlined in an exclusive article in today's Daily Telegraph, is the fact that the MP pushing that bill actually communicated this to the government and the Premier, but, as I have been told by various people, there has not been adequate time for consultation. So, as Mr Tudehope has urged people—and I support his plea—please contact your local MP. Make sure you 'give them an earful', because, as he says in his piece today:

… legislators from across the political divide tried to ride roughshod over parliamentary procedure and pass abortion laws that barely anyone in the state has even heard of.
As he states, if you and people of faith and family do not communicate these issues and your concerns to your MP, you too will be ridden over roughshod in future months, as this bill comes before the parliament.

I conclude by thanking the many, many people who have written to me, who are giving me support, but, more importantly, who are writing to their MPs urging them to act.

Senate adjourned at 18:59