COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES

Senate

Official Hansard

No. 2, 2015
Thursday, 5 March 2015

FORTY-FOURTH PARLIAMENT
FIRST SESSION—FIFTH PERIOD

BY AUTHORITY OF THE SENATE
## SITTING DAYS—2015

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
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<tbody>
<tr>
<td>February</td>
<td>9, 10, 11, 12</td>
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<tr>
<td>March</td>
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<td>May</td>
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<td>June</td>
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<td>December</td>
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- **PERTH** 585AM
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FORTY-FOURTH PARLIAMENT
FIRST SESSION—FIFTH PERIOD

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

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

Senate Party Leaders and Whips
Leader of the Liberal Party in the Senate—Senator Hon. Eric Abetz
Deputy Leader of the Liberal Party in the Senate—Senator Hon. George Henry Brandis QC
Leader of The Nationals in the Senate—Senator Hon. Nigel Scullion
Deputy Leader of The Nationals in the Senate—Senator Hon. Fiona Nash
Leader of the Opposition in the Senate—Senator the Hon. Penny Wong
Deputy Leader of the Opposition in the Senate—Senator the Hon. Stephen Conroy
Leader of the Australian Greens—Senator Christine Anne Milne
Leader of the Palmer United Party in the Senate—Senator Glenn Patrick Lazarus
Chief Government Whip—Senator David Christopher Bushby
Deputy Government Whips—Senators David Julian Fawcett and Anne Sowerby Ruston
The Nationals Whip—Senator Barry James O'Sullivan
Chief Opposition Whip—Senator Anne McEwen
Deputy Opposition Whips—Senators Catryna Louise Bilyk and Anne Elizabeth Urquhart
Australian Greens Whip—Senator Rachel Siewert
Palmer United Party Whip—Senator Zhenya Wang

Printed by authority of the Senate
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<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
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<tr>
<td>Abetz, Hon. Eric</td>
<td>TAS</td>
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<td>Back, Christopher John</td>
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<td>Bernardi, Cory</td>
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<tr>
<td>Bilyk, Catryna Louise</td>
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<tr>
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<td>Colbeck, Hon. Richard Mansell</td>
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<td>Fierravanti-Wells, Hon. Concetta Anna</td>
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<tr>
<td>Lundy, Kate Alexandra</td>
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<td>Macdonald, Hon. Ian Douglas</td>
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<td>McLucas, Hon. Jan Elizabeth</td>
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<td>Milne, Christine Anne</td>
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<td>Moore, Claire Mary</td>
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<tr>
<td>Muir, Ricky Lee</td>
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<td>NSW</td>
<td>30.6.2017</td>
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<td>O'Neill, Deborah Mary (1)</td>
<td>NSW</td>
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</table>
Pursuant to section 42 of the Commonwealth Electoral Act 1918, the terms of service of the following senators representing the Australian Capital Territory and the Northern Territory expire at the close of the day immediately before the polling day for the next general election of members of the House of Representatives.

**Casual vacancy**

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

**Casual vacancy to be filled (vice J Faulkner, resigned 6.2.15), pursuant to section 15 of the Constitution.**

**PARTY ABBREVIATIONS**

AG—Australian Greens; ALP—Australian Labor Party;
AMEP—Australian Motoring Enthusiast Party; CLP—Country Liberal Party;
FFP—Family First Party; IND—Independent, LDP—Liberal Democratic Party;
LNP—Liberal National Party; LP—Liberal Party of Australia;
NATS—The Nationals; PUP—Palmer United Party
Heads of Parliamentary Departments
Clerk of the Senate—R Laing
Clerk of the House of Representatives—D Elder
Secretary, Department of Parliamentary Services—C Mills
Parliamentary Budget Officer—P Bowen
### ABBOTT MINISTRY

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

Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. However, there is a Department of Human Services in the Social Services portfolio and a Department of Veterans’ Affairs in the Defence portfolio. The title of a department does not necessarily reflect the title of a minister in all cases.
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<thead>
<tr>
<th>TITLE</th>
<th>SHADOW MINISTER</th>
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<td>Leader of the Opposition</td>
<td>Hon. Bill Shorten MP</td>
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<tr>
<td>Shadow Minister Assisting the Leader for Science</td>
<td>Senator the Hon. Kim Carr</td>
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<tr>
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<td>Hon. Bernie Ripoll MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Small Business</td>
<td>Julie Owens MP</td>
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<tr>
<td>Shadow Cabinet Secretary</td>
<td>Senator the Hon. Jacinta Collins</td>
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<td>Hon. Michael Danby MP</td>
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<td>Dr Jim Chalmers MP</td>
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<tr>
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<td>Hon. Tanya Plibersek MP</td>
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<tr>
<td>Shadow Minister for Foreign Affairs and International Development</td>
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<td>Shadow Minister for Women</td>
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<td>Hon. David Feeney MP</td>
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<td>Senator the Hon. Penny Wong</td>
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<tr>
<td>Shadow Minister for Tourism</td>
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<tr>
<td>Shadow Minister for Regional Development and Local Government</td>
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<td>Shadow Parliamentary Secretary for External Territories</td>
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<td>Hon. Dr Andrew Leigh MP</td>
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<td>Shadow Minister for Competition</td>
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<td>Shadow Minister for Financial Services and Superannuation</td>
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<td>Senator the Hon. Kim Carr</td>
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<tr>
<td>Shadow Minister for Vocational Education</td>
<td>Hon. Sharon Bird MP</td>
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<tr>
<td>Shadow Assistant Minister for Higher Education</td>
<td>Hon. Amanda Rishworth MP</td>
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Thursday, 5 March 2015

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

DOCUMENTS
Tabling

The Clerk: I table documents pursuant to statute and returns to order in accordance with the lists circulated in the chamber. Details will be recorded in the Journals of the Senate and on the Dynamic Red.

Details of the documents also appear at the end of today's Hansard.

COMMITTEES

Legal and Constitutional Affairs References Committee
Meeting

The Clerk: Proposals have been lodged by committees for authority to meet as follows: by the Legal and Constitutional Affairs References Committee for a private meeting today from 3.40 pm.

The DEPUTY PRESIDENT (09:31): I remind senators that the question may be put on any proposal at the request of any senator.

BILLS

Environment Protection and Biodiversity Conservation Amendment Bill 2014
Second Reading

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

Senator LINES (Western Australia) (09:31): I rise today to support the Environment Protection and Biodiversity Conservation Amendment Bill 2014. Most Australians have a love of the ocean, whether we live in our coastal fringes or in more regional and remote communities. Our love of the ocean is legendary. We want our oceans to be pristine and to be protected. Australians also love eating seafood. It is part of the way of our life, and it is also part of our national holidays, particularly the festive season, when our fresh fish outlets often open for 24 to 36 hours straight. Australians consume around 25 kilos of seafood every year. We pride ourselves on the quality of our seafood, yet do many of us stop to think about its sustainability? This is not just a fringe issue for a select group of environmentalists. If we want to continue to consume good-quality seafood then we all have a responsibility to ensure its sustainability and, more broadly, the sustainability of our oceans.

There are fish stocks statistics produced by the United Nations which are alarming and should, whether we consider ourselves to be environmentalists or not, make us stop and take note and force us as parliamentarians to do something positive towards the sustainability of our fish stocks. Fifty-three per cent of the world's fisheries are fully exploited — 53 per cent — and 32 per cent are overexploited, depleted or recovering from depletion. Most of our top 10 marine fisheries, accounting for about 30 per cent of all capture fisheries production, are fully
exploited or overexploited. Our oceans are not an endless resource. The WWF reports that UN figures indicate that over 85 per cent of the world's fish stocks are now fished up to full capacity or are overfished. In a world—according to the World Wildlife Fund—with an ever-expanding population, the question is how we can balance what we take from the seas and how we keep the oceans healthy so we can ensure that we have fish into the future.

When in government, Labor recognised the importance of a sustainable fishing industry. Labor recognised that our fish stocks needed to be protected, and we recognised that the livelihood of those who work in the industry needed protecting as well. When in government, Labor acted. Now, in opposition, our concern for sustainable fishing, for protecting the industry, for ensuring jobs and for keeping our oceans and our fish stocks sustainable continues.

In 2012 Labor stopped the supertrawler before it started fishing in our oceans. We have seen, in our neighbouring countries, what supertrawlers have done to local fishing industries, and we certainly do not want to see that absolute depletion of fish stocks and livelihood, and a way of life being stopped, in Australia. Labor responded to this threat because of tough new powers that we implemented with the community’s support.

I would like to think that the threat of supertrawlers has gone away, but it has not. The powers that Labor used to stop the first supertrawler were opposed by Mr Abbott and the Liberals when in opposition. Australia now needs protection again from supertrawlers. We need to ensure that our oceans, our recreational fishers, fishing businesses and livelihoods are protected and have certainty. Under this private senator's bill, proposed by Labor Senator Ludwig, new supertrawlers will have to face the same tough response that the original supertrawlers faced.

Mr Abbott and the Liberals have had over six months to do something to stop future supertrawlers and to protect our oceans, but they have failed—absolutely failed. Why would we be surprised? We know from the Abbott government that if it has a whiff of environmental about it, if it has a whiff of sustainability about it, if it has a whiff of protecting our environment for the future, it is not something that they are interested in. It is something that they will do whatever is in their power to move against. We know from experience that it is only those at the big end of town that get protection from the Abbott government. On environmental issues, on issues of sustainability, on climate change, the Abbott government just turn their backs.

Labor, with this bill, will not allow the Abbott government to turn its back on the issue of supertrawlers. Certainly, Labor will not be turning our back on ensuring the sustainability of our oceans, their fish stocks or our fishing industry. Senator Ludwig has moved to introduce this bill because the Abbott government has failed to take action to protect the livelihood of businesses in the fishing industry, has failed to take action to protect our oceans and has failed to take action to ensure that fishing and fish are sustainable. It is only Labor who is standing up for our oceans, for local business and for recreational fishers. To date, the government has done nothing.

I would like to reflect back. When Labor introduced these powers in September 2012, they were opposed up hill and down dale by the Liberal and National parties. The then opposition, in their usual Tea Party way, were convinced of a Labor-Greens conspiracy. We hear that in this place day in, day out—some kind of conspiracy. They did not think any more science or
research was needed, and they did not want to stop the supertrawler. Yet the Prime Minister recently had the gall to say that it was banned with the support of members on his side of the House. The truth is there in the *Hansard*, the truth is there in the media, and the truth was there in 2012, when they were opposed to Labor's bill. The Abbott government are yet to do even the most basic work required to implement sensible root-and-branch reform of fisheries management as recommended by the Borthwick review and responded to by Labor in March 2013. Those are the facts.

This Labor private senator's bill, put up by Senator Ludwig, will make the government put their money where their mouth is. Will they stand by their voting record and their convictions, or will they follow the leader, the self-professed weathervane, who has tried to rewrite history?

The bill restores the powers to enable the minister for sustainability, environment, water, population and communities, with the agreement of the Commonwealth fisheries minister, to make an interim declaration that a fishing activity is a prohibited declared commercial fishing activity while an expert panel assesses the potential environmental impacts of the activity. The bill will allow them, with the agreement of the Commonwealth fisheries minister, to make a final declaration for a period no longer than 24 months that a fishing activity is a prohibited declared commercial fishing activity. The bill in all senses protects the Australian industry. It protects our fishing stocks, and it protects the livelihoods of so many people employed in that industry.

As the government has refused to act to protect our fisheries or stand up for recreational fishers, it has left it to Labor to do so. If I think back again to 2012, when Minister Burke was in the chair, some of the National Party—in fact, it was Senator Williams in this instance—accused the minister of jumping at shadows. How could you be so misinformed of all of the data about supertrawlers as to accuse the minister of jumping at shadows? Senator Williams went on to try to convince Australians that the trawler's catch size was no larger than the quota already set for fishers domestically, yet we saw huge community concern not just in Tasmania but right across Australia. Australians were very, very concerned and very opposed to supertrawler activity.

**Senator Colbeck:** Senator Williams was right.

**Senator LINES:** And here we have, Mr Deputy President, heckling from those opposite. Are they already setting the course of once again burying their heads in the sand, not looking at the science and not looking at what has happened to our fish stocks across the world?

Those statistics from the United Nations are alarming. Quite frankly, if the Abbott government are not alarmed by them, they are showing their total disregard not only for our environment, not only for our oceans and not only for our fish stocks but for the livelihoods of those in Australia who work in the fishing industry. Let us have a look at what is happening here. Again, the opposition from the Liberals when in opposition was overwhelming. They never, ever let science get in the way of their Tea Party, head-in-the-sand beliefs. We are going to act.

We saw earlier this year what they wanted to do with pristine wilderness in Tasmania. Tasmania seems to be a particular target of the Abbott government. They seem to think it is just their plaything, a place for them to wreck and to overfish. Well, it is not, and the world is
watching. We saw their quite frankly embarrassing attempt to take back some pristine wilderness in Tasmania, and they got well and truly slapped over that. They told mistruths. They tried to pretend it was not a pristine environment—and they were wrong.

They are also wrong on supertrawlers and they will be held to account for their failure to act. Are they going to continue to argue that, somehow, supertrawlers are good for us, the environment and the fishing industry? Is that what they are going to try to demonstrate here today? It will be a tragedy if that is what they are going to try to do.

Australia is not unique or alone. We have to manage our fishing industry sustainably—and we do not have a bad record in that regard. It is not the best record, but it is not a bad record. We do not live in a closeted, closed environment. We need to be a model for other countries in the world. We need to play a part in urging other countries to run their fishing industries sustainably. We cannot do that if we support supertrawlers. We cannot be that good role model—we just can’t. What happens here happens across the world. Our fish stocks are at alarmingly low levels and in many areas fish species are not going to recover.

Senator Colbeck: What a load of bullshit!

Senator Jacinta Collins: That is unparliamentary language.

The DEPUTY PRESIDENT: Just a moment, Senator Lines—

Senator Colbeck: I withdraw.

The DEPUTY PRESIDENT: Thank you. Please continue, Senator Lines.

Senator LINES: It is so typical of this government that it does not bother to read the science. It thinks its bullyboy tactics will work, but they will not work. They do not work on the Australian public and they certainly do not work in here. The stats are there for all to see. Presumably the government is now disputing the United Nations stats on fisheries. We will hear the government’s views today.

This bill is absolutely worthy of support. It is a bill that Labor is proud to put forward. It is a bill which shows the abject failure of the Abbott government to act in this area—their absolute failure. I can only assume that their view has not changed since 2012. I can only assume, from the kinds of comments we have heard in this place this morning, that their Tea Party, ignorant, head-in-the-sand attitude towards our oceans is continuing. But this bill is worthy. It creates an expert panel, it looks at science and it looks at research—all of the things the Abbott government has so far failed to do. Let us put the science on the table. Let us put the research on the table. Let us start to make decisions that are fully backed up by experts. While some in here might think they are expert in particular areas, they are not. It has been proven over and over again that the Abbott government cannot be trusted in any area where sustainability is needed—unless it is sustaining their mates at the big end of town or unless it is about ripping off ordinary Australians. They are perfectly happy to do that, but on our environment, on climate change and on the protection of our pristine forests, our oceans and our fish, they have been found sadly wanting. I commend the bill to the parliament.

Senator BACK: I oppose Senator Ludwig's private senator's bill, the Environment Protection and Biodiversity Conservation Amendment Bill 2014. What the bill attempts to do is amend the EPBC Act to repeal a sunset provision and enable the minister to establish an independent expert panel to conduct an assessment of the potential environmental impacts of a declared commercial fishing activity and to prohibit that declared fishing activity while the
assessment is undertaken. Like the mover of the bill, Senator Ludwig, it is redundant. It is, like Senator Ludwig, superfluous. In the words of the Oxford dictionary, it—and Senator Ludwig, for that matter—can be omitted without any loss of significance.

So let us go to what we are dealing with in this particular bill. Senator Lines was not around, so she can be excused for her relative ignorance in the area. But I want to place on record, if I may, the history of this whole sad debacle and the fact that the coalition, in opposition and then in government, had to help the Labor Party out and help the country out, as we so often do. It goes to the failed Mr Burke. Mr Burke was then Minister for Agriculture, Fisheries and Forestry. When we are speaking about supertrawlers, Senator Lines might not be aware but I would like to remind those who are that it was indeed Mr Burke, the failed then minister, who in his role as agriculture minister created the issue. What did he do in 2009? Senator Colbeck will remember. He invited these types of vessels as part of his 2009 small pelagic harvest strategy. I am going to quote from Mr Burke, if I can, just to embarrass him a bit further, if that is possible. He said:

- there are considerable economies of scale in the fishery and the most efficient way to fish may include large scale factory freezer vessels.

That was in AFMA’s Small Pelagic Fishery Harvest Strategy of 2009, page 2, in case Senator Lines wants to have a look at it. Indeed, he went on to trumpet further:

This is the first time a trawler with a storage capacity of 2000 tonne or more—

get these words, Deputy President—
is likely to operate in an Australian fishery …

Subsequently, we had an environment minister in the Labor government who put a different position. Who do you think that environment minister might have been? Could it have been Mr Shorten? No. Was it Ms Gillard? No. It was none other than Mr Tony Burke—the same person, now with a different hat. He had taken his agriculture and fisheries hat off, he had put his environment hat on, and what did he say to Senator Colbeck? He completely bungled the development and introduction of the declared fishing activities bill in 2012. It is amazing what three years does. It is a long time in politics, isn’t it, really?

In fact this legislation, as Senator Colbeck pointed out to him at the time, was so bad it needed amendment within hours of its introduction. Why? Because, as Senator Colbeck said at the time, Labor did not understand fisheries or fisheries management. Their bill initially banned, if you do not mind, recreational charter boats! That is how much Mr Burke understood. That was the guy who encouraged the Dutch at that time to come into our waters, but of course he did not understand the difference between recreational and commercial fishing. Needless to say, the declared fishing activities amendment bill was so bad there was a 12-month sunset clause to kill it off.

So there was Senator Ludwig, once upon a time, standing up for Australian fishers. And who was the agriculture and fisheries minister when his colleague reversed what he had done in 2009? It was Senator Ludwig, the very man who then subsequently failed to protect the very industry of which he was the minister. But he has plenty of form in that because, as we know, as agriculture minister he failed to stand up to Ms Gillard when she went ahead and banned the live export trade of cattle to Indonesia and subsequently to other markets. So he has form in his failure to stand up for anything or anybody.
I will come in a few moments to an explanation of why this particular bill is redundant and superfluous. It can be omitted from the statute without any loss of significance. At the time, there were Greens amendments—and I am sure Senator Whish-Wilson will speak to his amendment again this morning—but just let me put on the record what the then minister, Senator Ludwig, said in August 2012 in response to a Greens motion in this area. Again I quote Minister Ludwig, then the minister, now the redundant, irrelevant senator who has introduced this bill. This is what he said about a disallowance motion moved by the Greens political party:

This disallowance motion is a message that the Greens political party—

his words, not mine—

do not support sustainable catch limits based on science. It is a message that says the Greens want fisheries managed by politics, not qualified fisheries managers. And it says that the Greens do not support the commercial operators who fish in some of—

listen to this, Senator Lines—through you, Deputy President—

the world's best managed fisheries.

He is actually talking about Australian commercial fisheries. Isn't it amazing? He went on to talk about the fact that:

... the same disregard—

that the Greens would have—

for the science and management of our commercial fisheries will be extended to the legitimate pursuit of recreational fishing.

Do you remember that it was Minister Burke who could not get it right between commercial and recreational boats of certain distances, certain lengths and certain tonnages? But Minister Ludwig at the time then stood up and said:

... I will not allow the emotive politics of the Greens political party to run fisheries management policy in this country. We will ensure that the Australian Fisheries Management Authority is independent, that it makes independent decisions based on the science through its expert commissioners—

and on he went.

It begs the question: why is Senator Ludwig bringing this bill back in?! Indeed, you would not believe it; despite all that 'failure' that we have heard of from Senator Lines, do you know what the Abbott government has done? It has done what Labor failed to do. It has done what Labor could not do. It has actually banned these supertrawlers.

So what does Senator Ludwig want in this particular bill? What he wants is for taxpayers to pay for reviews of more scientific reviews. How unusual would that be for the Labor Party? Use taxpayers' funds frivolously to actually review the scientific reviews. He wants the creation of a panel to review every declared activity. It is a waste of taxpayers' money, a deliberate step to try and politicise fisheries management. After his own failure and that of his colleague Mr Burke, you would think that the last thing he would want to do is introduce a bill like this to give the wider Australian community the opportunity to expose Labor for what it was in government.

We already have the world's leading fisheries management. It is in place. We already have the assessments under the EPBC Act. We have said before and we will go on saying it through our minister, Minister Colbeck: the coalition have confidence in the sustainability of
Australian fisheries managed by AFMA. The only thing that this bill will do is introduce more red tape.

Let me go to what the coalition is doing and has done in government. We oppose the bill and we oppose the Greens' amendment. Senator Ludwig, of course, is left lamenting what is now a redundant and superfluous bill. We did what they could not do: we banned the supertrawlers. We are bringing in regulation under the Fisheries Management Act, where it belongs and where it should always have remained, had the Labor Party not tried to fiddle with it. We support and will continue to support commercial, recreational and Indigenous fishers, and we are committed to the continuation of Australia's well-managed fishery. We have confidence in AFMA. We have confidence—I certainly have confidence—in the minister because of his deep knowledge of and association with the industry. I have had the privilege and pleasure of being with him and working with him and watching him as he interacts around Australia with both commercial and recreational fishers. I recall—

Senator Whish-Wilson: What about southern bluefin tuna?

Senator BACK: Don't get on to southern bluefin tuna, Senator Whish-Wilson—

The DEPUTY PRESIDENT: Order!

Senator BACK: because all we will talk about is Mr Graeme Wood and the Triabunna mill in Tasmania. Senator Whish-Wilson would be wise to not start going down that path, Deputy President, I can assure you. It is interesting in Tasmania in a few minutes because the Tasmanian commercial fishing industry were a very significant client of mine when I had a business in Tasmania, and what a tragedy it is today to see where that industry has landed itself as a result of the efforts of the Greens. But of course, through the agency of the minister, it is trying to re-establish and recreate itself.

Let me go to the excellence of the Australian industry. We have heard commentary this morning about the UN and all its protestations. I heard a few protestations by the UN when I was there in 2013. I heard an absolutely nonsensical statement made by a woman in the UN. She made the observation that bushfires in the Blue Mountains of New South Wales were due to climate change! It sat down with those people and explained to them what a Mediterranean climate, eucalypt-dominated forest in a summer dry season creates—and it was not climate change. But it does remind me that I want to draw attention to the excellence of Australia's and particularly Western Australia's commercial fishing operations. I want to go to the Marine Stewardship Council, which is the international body that is the final arbiter of excellence or otherwise of the management of fisheries.

What do you think was the first fishery in the world to be certified under the MSC standards? It was, of course, Western Australia's western rock lobster industry. It is the most significant, single species fishery in Australia. It was in the year 2000—Senator Sterle would know this from being familiar with it all—that it became the first fishery in the world to be so certified as a well-managed and sustainable fishery, and it earned the right to market its product internationally under the MSC eco label. As a result of the wonderful work of Mr Robb, in his capacity to negotiate a free trade agreement between Australia and China—something that the Labor government were not able to do in six years—that we are now going to see an improvement and an increase in the export of western rock lobsters directly into the Chinese market. The species of crustacean will go into that market live and fresh and will go
straight onto the tables—demonstrating again not only the excellence of our industry but also the demand for the freshness of our product.

The management of that fishery began in 1963. It has one of the longest-running management plans of any fishery in Australia and probably in the world. It has collected accurate data over time. It was in July 2010, following approaches from industry, that the then minister for fisheries announced that the western rock lobster fishery would be managed under an individual quota management system. Those of us associated with that fishery know what the improvement has been of allowing fishing 365 days of the year and a fishing quota so that the fishermen can decide on market demand and their capacity to maximise their returns, maximise the value and maximise the supply into our target markets.

But let me stay, if I may, with the Marine Stewardship Council, particularly in terms of the comments made only recently in this chamber about the supposed failed management of our fisheries. What is another Australian fishery that is certified under the Marine Stewardship Council? It is the patagonian toothfish fishery. An interesting point about it is that the product is frozen at sea and retains and remains the highest quality. I know Senator Urquhart and Senator Whish-Wilson would also be very interested in this, because it is Tasmanian fishers who are active in the patagonian toothfish fishery. It is another one that has been certified. It is another one that has an international certification of excellence.

Another fishery, which I think Senator Ruston would be interested in, with an international certification is the Northern Prawn Fishery—an Australian fishery. Do you knowing something else about it, Madam Acting Deputy President? It also has product that is frozen at sea, which retains the highest quality, so that it comes back to customers in Australia and overseas at the absolute best level. I do not know why it is that there are people in this place who have to run down our commercial fisheries.

But let me now come to the small pelagic fishery, because at this time it is undergoing a certification process by the Marine Stewardship Council. Geographically, where does the small pelagic fishery operate? It is everywhere from the New South Wales border right around to my home state of Western Australia. As I said, it is undergoing a certification process at this very time.

Before I move on, I want to remind those who are listening to this particular contribution that the MSC certified Patagonian toothfish fishery and the Northern Prawn Fishery are both fisheries which rely on the product being frozen at sea and retaining the highest quality prior to its consumption. So let us not demonise the processing of a product, as so many people seem so willing to do, or say that allowing it to be frozen in some way deteriorates it or in some way adversely impacts on the fishery itself.

To answer some of the questions that have been asked, the coalition, in government, commissioned the expert panel, and the expert panel has reported. It responded to the commercial fishing activity declaration that was made on 19 November 2012 under the EPBC Act. It defined the Small Pelagic Fishery and said that the activity was in such a fishery using midwater trawl methods. It specified the length of vessels and has reported. This independent Australian expert scientific panel has now completed its assessment of the potential impact of supertrawlers—that is, boats greater than 130 metres—in this fishery. It focused its attention on assessing the potential impact of these trawlers on the marine environment and protected
species including seals, dolphins and seabirds, and the potential for localised depletion of target species.

The panel provided the environment minister with its report in mid-October. It was published, as we always do because of the demand for transparency, on 19 November 2014. The report gave a big tick to the existing risk based fisheries management framework used in the Australian fisheries management. If you had been listening to some of the earlier contributions, they would not have appeared to have been consistent with that advice and that report.

It is this framework that has resulted in Australia's fisheries being recognised as amongst the best managed anywhere in the world. The risk based management framework is already in place and, as I say, the Marine Stewardship Council is currently undertaking an assessment for certification. The harvest strategy exceeds—not meets but exceeds—internationally recommended standards such as those made by the Lenfest Forage Fish Task Force in its report *Little fish, big impact*. The report also highlighted that there are risks from the proposed fishing operations, be they commercial or recreational. Of course, the coalition, as it always does, widely consulted before it took the decision that it took. We know what that was. That was to place a ban on those vessels greater than 130 metres in size.

What additional research has been undertaken? It is science that must underpin fisheries management. There is a $1½ million research program well underway. We know that, for the current season, the total catch limit was set at 7.5 per cent of the estimated total fish population, leaving 92½ per cent remaining. I come back to where I started: like the person who moved this motion, it is redundant. The work has been done. It is superfluous. It can be omitted without any loss of significance to the community or to commercial fishing.

**Senator RUSTON** (South Australia—Deputy Government Whip in the Senate) (10:09): I too rise today to speak on the Environment Protection and Biodiversity Conservation Amendment Bill 2014. It basically seeks to repeal a sunset provision and enable the minister to establish an independent panel to conduct an assessment of the potential environmental impacts of a declared commercial fishing activity and to prohibit declared commercial fishing activity while that assessment is being undertaken. It will come as no surprise to this place that I, like the rest of my colleagues, do not support this particular amendment bill.

Specifically, the bill aims to enable the minister:

… with the agreement of the Minister administering the Fisheries Management Act 1991 (Cth) (Fisheries Minister ), to declare a commercial fishing activity to be a 'declared commercial fishing activity' on an interim basis ( interim declaration ) if both Ministers agree—

and this is the point—

that:

- there is uncertainty about the environmental impacts of the commercial fishing activity;
- it is appropriate to consult with fishing concession holders who consider themselves to be detrimentally affected by the making of a final declaration for the same fishing activity ( declaration affected person ); and
- the declared commercial fishing activity should be prohibited while consultation occurs;

On the surface of it, that all probably sounds terribly sensible, but, when you start digging into the reality of what is going on here, it is nothing more than an appalling scaremongering
campaign. It gives rise to the belief that there is a problem—and, I have to say, my colleagues on this side of the chamber and I do not believe that there is a problem.

Before I go into the reasons the coalition cannot support this amendment bill being put forward by Senator Ludwig, I would like to put on the record that we also do not support the amendments being proposed by the Greens. To give some context, I will put on the record some comments made by Senator Whish-Wilson in relation to his amendments. He said:

The Greens have put up an amendment to ban supertrawlers and vessels with freezing capacity over 2,000 tonnes. That is a globally recognised tonnage of fish that is being looked at by groups right around the world. We consider that we need separate legislation for any size over that. This is a very serious issue and it has not been flushed out in this bill. We would ask that Labor, through Senator Ludwig, who brought this forward, consider a proper amendment that will ban this type of fishing activity in this country once and for all. This is what millions of rec fishermen across this country want. This is what people who are worried that the ocean is broken and is dying want. … We have not had supertrawlers in this country before. We are doing very well, thank you very much. We do not need to see them back. This government needs to hold to its promise that it will not allow supertrawlers back into Australian ports.

There are a whole heap of things you could say about that piece of scaremongering. Firstly, the Australian government has made a commitment that it will not allow supertrawlers over 130 feet back into Australian waters. There is no acknowledgement of that in Senator Whish-Wilson’s statement. Once again, there is scaremongering. There is scaremongering not only in support of Senator Ludwig’s bill but also in support of the proposed amendments from the Greens. It is also a misrepresentation of what is really happening out there.

As I said, we do not support this bill. There are a whole heap of reasons why we do not. Most particularly, I think it is because of the abject hypocrisy—that Senator Ludwig should think that it is okay for him to bring this bill into the chamber. If you think about it, this bill has only been generated on the basis of the proposal to introduce this supertrawler into Australian waters—which was first proposed a couple of years ago by the very person who is introducing this bill. How that very same person can turn around and say he wants to make legislative change to make it more difficult to enable commercial fishing to occur in Australia—the very same person who stirred up the argument in the first place, having been part of the government that agreed to bring the supertrawler to Australia—is beyond me. If we had three hours, we could talk about the extraordinary level of sovereign risk involved in first agreeing to bring that trawler to Australia only to ban it once it was here. If those opposite had not wanted the supertrawler to be here, maybe they should have thought about that before bringing it here in the first place.

It is quite interesting to read some of the comments Senator Ludwig made back in August 2012 in response to a Greens disallowance motion. I will read this because it does illustrate the hypocrisy I was talking about. He said:

This disallowance motion is a message that the Greens political party do not support sustainable catch limits based on science. It is a message that says the Greens want fisheries managed by politics, not qualified fisheries managers. And it says that the Greens do not support the commercial operators who fish in some of the world’s best managed fisheries.

I have to say, Senator Ludwig, that I agree entirely with what you said. Then he went on:

As minister for fisheries, I will not allow the emotive politics of the Greens political party to run fisheries management … in this country. We will ensure that the Australian Fisheries Management
Authority is independent, that it makes independent decisions based on the science through its expert commissioners and on the facts that are presented to them. They will continue to make decisions based on sound judgement to ensure that fisheries are sustainable and meet all the ecological requirements—and, moreover, predicated on the precautionary principle so often espoused by the Greens.

When Senator Ludwig was the fisheries minister we actually think that that was exactly right, and we would certainly support those comments. So it seems really quite weird, when you consider it was only a couple of years ago that Senator Ludwig was in this place making those comments, that we now have a bill being introduced that, to a large extent, basically says everything that he said there is wrong. He obviously no longer believes that our fisheries are the world's best-managed fisheries, he obviously no longer believes that science is the basis for which we would make a decision in relation to fisheries management and he seems to be okay with the fact that we are having fisheries managed by politics instead of by science. I just cannot believe that in the space of just on two years we can have moved from a position of perfectly logical science based judgement to thinking it is okay to play politics with this issue.

Those amongst us who are a little more cynical would probably suggest that this is just Labor and Senator Ludwig looking for redemption for a very bad decision they made in deciding to bring the supertrawler here in 2012. Before it even managed to catch a fish out of the water, they decided to ban it and in the process probably exposed the Australian taxpayers to a massive amount of financial exposure, because why wouldn't the company sue the Australian government for a breach of contract? Once again, if you want to talk about the consequential impacts of making a decision and then changing a decision, you have only got to look at the impact of the live export ban that was the knee-jerk reaction of the very same minister at the time. That move saw the absolute decimation of the northern part of Australia and our cattle industry—all because somebody decided that, for the sake of quick city based politics, it was a good idea to ban the export of live cattle.

The question that is probably most important in all this is: why would Senator Ludwig bring this bill in when the supertrawler and supertrawlers of over 130 feet have already been banned? In recognition of the response by the Australian community, the supertrawlers have been banned. This government has taken on board the fact that the community did not want that great big supertrawler, so a decision was made that there was a size over which supertrawlers would not be allowed into the Australian fishery. That is great—that has been ticked off. Everybody knows it. It is written in stone. So why on earth do we now need to bring into this place a bill that just gives another layer of regulation, another layer of burden on our commercial fishing industry, when Senator Ludwig, by his very own admission, says that we have the best-managed fisheries in the world?

Senator Ludwig basically wants the taxpayers to fork out and pay for a review of the review. We already accept that we have this wonderfully managed fishery, there are a number of checks and balances in place to make sure that our fishery remains a well managed fishery. I will not bore the chamber by going through the absolutely massive amount of research that has been undertaken in this space to ensure not only that the fishery is well managed but that we can prove that it is well managed. To actually create a panel to review every declared activity can be nothing more than a waste of taxpayers' money.
Despite the comments of Senator Ludwig in 2012, it really is nothing more than a deliberate attempt to politicise fisheries management. As I said, we support what Senator Ludwig said in 2012—that is, that the fisheries management needs to be science based. Everything that has been put in place by this government has gone towards ensuring that we do have a science based management approach to fisheries.

It is not just me, or the government, making these comments about Australia having a very well-managed fishery. We are considered worldwide to be one of the best fisheries managers in the world. We have a number of protections in place through myriad acts, including the assessments under the EPBC Act that is so often quoted in this place. Another thing that needs to be said in all this is that the Australian Fisheries Management Authority is a well-established institution. We have confidence in AFMA. They were set up as an independent authority to manage Australian fisheries and we believe they are doing a very good job—and the rest of the world also thinks that they are doing a very good job. It appears that it is only Senator Ludwig and the Greens who believe that they are not doing a good job—yet, when Senator Ludwig was the minister responsible for oversight of this body, he seemed to think they were doing a pretty good job at that time. It appears that it is only now that he is in opposition that he has decided that AFMA is not doing that good a job. We have to question the motivation behind this bill being brought into this place.

Summing up what this bill does: it just introduces another layer of red tape. We all know about what red tape—unnecessary compliance, unnecessary regulatory burden—does; it does little more than threaten jobs. If companies are overburdened with red tape and green tape, they are not concentrating on doing what they should be doing—getting out there and being productive. Any additional requirement that has no definable benefit and no definable positive outcome is really nothing more than a brake on the creation of jobs in Australia. I find it bizarre that Senator Ludwig would think it a good idea to do something that just creates an obstacle to the ability of the fishing industry to be productive, to develop and to create jobs for Australian fishermen—to generate that wonderful clean and green seafood for us to eat. We are just once again putting a handbrake on that.

As I said, the coalition does not shirk the fact that good science must be the theme that underpins fishery management. We do not shirk from that at all. We are continually investing in research programs. At the moment, a major research program is being undertaken to estimate the current size of the major small pelagic fish stocks in Australia. The results of this research program are, I understand, imminent and will assist the setting of total allowable catch limits for the Small Pelagic Fishery from 1 May this year. But, until the new survey results are in, the government has said that we need to be responsible about this. We have set very conservative catch limits to ensure that, if there is any change in the data about the size of this fishery, the Small Pelagic Fishery—if the fish stocks are not as robust as they are believed to be—then we will have been catching fish at a rate under what we thought was a sustainable level. There is no question at all that we believe that a responsible approach to this is absolutely essential, but we are saying that that responsible approach does not need another level of regulatory burden.

Another issue that I raised earlier was that of sovereign risk. If we continue to scaremonger—which is basically what has been going on with this bill—all we do is say to the rest of the world that we are not really serious about this and that, if you make a decision
to do something in Australia, you should not be surprised if the government changes its mind, because that is what it is wont to do. We need to send a message of certainty to the rest of the world, because there is nothing surer than that certainty in any marketplace ends up having a very good outcome, that positive attitudes deliver productivity and that productivity delivers jobs.

In summing up, Australia's fisheries are world-class, they are sustainably managed and decisions are made using only the best available science. It is the intention and commitment of this government that that will continue. The government is absolutely committed to a balanced and informed approach to fisheries management and we will continue to make decisions regarding access to all Australian fisheries based on sound science.

Australia's Commonwealth fisheries have very conservative catch limits and, to ensure the health of our fisheries into the future, this will continue. We believe the Commonwealth fisheries regulator, the Australian Fisheries Management Authority, has the appropriate powers to enforce the conditions imposed on all boats fishing in our waters. We have confidence in AFMA and therefore we believe that they are the appropriate body with the appropriate skills, powers and tools to continue to undertake the responsible and science based management of our fisheries.

As a government we have done what we said we would do. By undertaking further research on the commercial species and having an independent expert panel examine potential environmental impacts of the operation of large midwater freezer trawlers in the Small Pelagic Fishery, we have done exactly what we said we were going to do. We have done it responsibly, we have done it based on science and we have done it transparently. For all these reasons, and probably many more that my colleagues have told this place, the government believes that this bill is totally unnecessary. It just adds an additional level of burdensome regulation that is completely unnecessary. The additional requirement that has been put forward by the Greens with their amendment further exacerbates the situation.

So, as I said, the government is not supporting this amendment bill that has been put forward by Senator Ludwig. I would hope that this chamber will see the sense of the science, which is quite readily available to every single person, including Senator Ludwig—who, having been the fisheries minister for a period of time in the previous government, should know better than anybody in this place about Australia's wonderful fisheries management record and the fact that this fisheries management record continues. Nothing has occurred over the intervening period since Senator Ludwig was the minister for fisheries that should give him any reason to have any concern.

I would urge those opposite to read the words of Senator Ludwig from August 2012 and perhaps ask Senator Ludwig if he could please explain why his position in this area has changed. Having said that the management of fisheries should not be politicised, he has turned around now and brought this bill into this place which appears for no other reason than being entirely political.

For these reasons and many others, I have to say I cannot possibly support this bill. As I said, I believe it is completely unnecessary. It provides an additional level of burdensome regulation, which is something this government has promised to get rid of. Therefore, we will not be supporting it.
Senator CANAVAN (Queensland) (10:29): It is great to see that the band is back together. The Green-Labor band are back together and they are coming to a regional town near you. The last time the band were together and went on a Green-Labor magical mystery tour they banned the live cattle trade. We all remember that. In the first tour they went on they played to sold out crowds all around regional Australia. They had people turning up everywhere around regional Australia—in Cloncurry, in Richmond, in Rockhampton, in Darwin, in Karratha—all coming out to see the Green-Labor magical mystery tour and what it could do next to a natural resource industry in this country.

And back then not only were they able to damage diplomatic relations with our closest neighbour, with a country of more than 200 million people just to our north, but they shut down an entire industry overnight, without telling anybody. That is still causing massive heartache and pain in regional areas. And now, they have the band back together! They thought that Joe Ludwig did such a good job—sorry, Senator Ludwig, through you Mr Acting Deputy President—with the live cattle trade that he is now going to repeat that and move on to fishing as well.

And he is doing it in cahoots with the Greens again. He is doing it at the behest of a Green-Labor agenda that does not want to see anyone in this country make money from using the natural assets and wealth that we have in this nation. We are so lucky in this country to have been given the great pastures and the open-ended plains on which to grow cattle. We have the third-largest ocean territory in the world to any other country. But according to the Greens, the Labor Party were not allowed to use these. They should be locked up and everything should be kept in pristine condition, except where Greens and Labor voters live. It is okay for people in the cities to build massive amounts of concrete—10, 12 and 13-storey buildings. Look at this parliament itself—we spent $1 billion on this and look at what we did: we carved it into a hill! Basically, we dug up a hill here—a beautiful, pristine hill here in Canberra to make this building. And I am glad we did! We have improved this area. But, according to the Greens and the Labor Party, you cannot do anything anywhere else in the nation.

This bill is all about demonising our fishing industry. It is about saying that we should not be allowed to fish in our own oceans and eat our own seafood. I think the people of Australia actually want to eat Australian seafood. They do not want to see overseas seafood; they would prefer to eat seafood fished in our waters, providing jobs to people who need them and supporting regional economies. But the Greens-Labor party have put their colours down here in this bill: they do not support that. They do not want those industries to thrive and they will take any opportunity to try to restrict production in these industries, all for driving votes in city areas.

I will come to the fact that this is not based on any kind of science at all and that it completely makes no sense. But before I do that I actually want to run through what is in this bill and what it is trying to do. What this bill does is to set up an independent expert panel to review a decision to ban supertrawlers, and that independent expert panel will come back with advice about that ban. Now, I actually thought that the Greens and the Labor Party wanted to ban supertrawlers. That was what I thought their policy was.

The government, on our side, has also said no to supertrawlers—these large boats that can have the capacity of more than 2,000 tonnes. We both have said no to them. We both have the same policy position. We both have restricted them. But, apparently, we want to set up a
panel to review a decision that we all support, that there is no need for any further potential dispute or controversy over, and we are going to waste more resources doing it. This is Monty Python-esque: we are going to set up a panel to review a decision that we all support! Why are we doing this? What is the point at all of wasting our time with this bill? Why has this bill not been removed from the Notice Paper? There is no political controversy here. We all have the same policy and we all agree. Indeed, this is something that was done a few years ago. There was some controversy at the time—I admit that—but we have moved on. We have moved on and there is no need for this legislation or for this particular bill.

At the time that it was a little more controversial, the then Minister for Fisheries, Tony Burke, decided—well, I think the Labor government had approved this particular supertrawler to come and fish in Tasmanian waters and then it became controversial—to introduce the declared fishing activities bill in September 2012 to ban this particular supertrawler coming in. Now, it should be noted that it was actually Minister Burke—when he was the then agriculture minister—who created that issue. In 2009, Minister Burke, introduced a small pelagic harvest strategy which said that there are considerable economies of scale in the fishery, and the most efficient way to fish may include large-scale is factory freezer vessels.

So in 2009 the Labor Party supported supertrawlers—we now call them supertrawlers—they supported large factory fishing vessels. They encouraged companies to try to apply for fishing licences under this small pelagic harvest strategy, and some companies did. I think it was the Abel Tasman at the time. That was certainly from Europe—perhaps the Netherlands. It decided to come here and take advantage of this harvest strategy that the Labor Party had put in place and take advantage of the fishing licences that they could legitimately and legally buy.

That became controversial politically and a few years later the Labor Party decided to ban it, after this company had already made investments and after they had already brought the vessel itself to Australia—they decided to ban it. That was completely bungled. Indeed, they bungled it so badly that they got the ban wrong too. They could not even ban a fishing boat correctly without getting it wrong! When they introduced that bill, initially it actually banned recreational charter vessels as well; so it created uncertainty for our recreational fishing industry. It was doing it tough and it did not need that additional uncertainty.

Now, we are all on the same page: these vessels are gone, the problem has gone and at least we do not have companies applying here and wasting their money because we cannot make up our minds. We have made up our minds, so why do we need to do anything with this bill? There has been no case made that we actually need to change anything. In fact—as other speakers have recognised—we have some of the most efficient, sustainable and scientifically-based fishing management practices in the world. We have long-standing arrangements in which fishing activity is regulated both at the federal and at state levels, based on principles of sustainable use. And it should be based on those principles; there is no argument about that. Fishing, generally speaking—and certainly fishing in ocean waters—is a public good. It has common-good problems. If we did not have regulation of how much could be taken, we would have too much taken because the private incentives do not accord with the public benefit. Too many people would go out and fish immediately to get what they could and not consider the long-term sustainability of those fishing areas. So we do need regulation. That is why we have regulators like the Australian Fisheries Management Authority at the Australian...
government level and the various state government bodies to look after inshore areas as well. It is a heavily regulated industry.

In fact, I looked at this a couple of years ago and, as a result of that regulation, there are no endangered fish species that are local to Australian waters. Despite what you often hear from the other side, we do not have endangered fish species in Australian waters, as a result of Australian fishing practices. It is true that some of the pelagic fish—that is, the migratory fish species that visit our waters seasonally, like southern bluefin tuna—are at risk, but that is not because of Australian fishing practices. That is due to fishing practices of other countries who have waters that we do not control in which these fish sometimes swim.

I do not get it. I do not understand. Perhaps the Greens and Labor Party think that somehow fish, cattle and all these other resources that we use and eat have passports or reside in particular countries, because they are so fascinated and so devoted to putting more red tape and regulation on our farmers, our fishermen and our forestry industry that they completely ignore what happens overseas.

We should be promoting Australian seafood. We should be making sure that we can catch as much of our seafood needs as possible from Australian fisheries. That will be good for global fish stocks because we know we manage them well. What happens instead is that, when we clamp down on Australian fishing resources and the Australian fishing industry, we still eat fish. People do not eat less fish. People still eat seafood. They simply import it from other nations that probably and often do have inferior environmental records to ours.

When you look at the actual stats in this area, Australia as a whole imports around 70 per cent. The last time I looked, it was 72 per cent, but I am sure it jumps around a bit. But about 70 per cent of our seafood comes from overseas. As I said earlier, we have the third largest ocean territory of any country in the world, yet we have to import more than 70 per cent of our seafood. To me, it does not really make a lot of sense that we import so much seafood when we have access to so many resources here which could fulfil our needs.

We extract just 28 kilograms per square kilometre. For every square kilometre of our ocean territory, we extract around 28 kilograms of seafood or marine catch. We import a lot of seafood from other countries to meet 70 per cent of our needs. A lot of our seafood comes from China, Thailand and Vietnam, and New Zealand as well. We import a lot from New Zealand. I do not have the figures in front of me, but I believe New Zealand extract 50 to 60 kilograms per square kilometre, which is about double our take but still a low level compared to the globe.

But these other countries we import from—China and Thailand are our biggest—extract more than 5,000 kilograms per square kilometre in their waters. In the ocean territory that they control, they extract more than 5,000 kilograms. Compare that figure. We extract 28 kilograms per square kilometre; they do more than 5,000 kilograms per square kilometre.

The reason they take that much is their regulations are not as stringent as ours. Their oversight and their environmental record is not as good practice as ours. I am not trying to be critical of those countries. They are at a different level of development. They have different priorities. We have the great luxury and benefit of being able to afford to regulate our industry to the level we do. But at the marginal level, when you are thinking about whether we should eat more Australian seafood or less, whether we should import more from China, Vietnam
and Thailand or less, clearly we should try and maximise our take here, within the sustainable
use constraints, and to minimise what we import from countries which clearly do not have the
same environmental standards and records.

But the Greens do not want to talk about that because they are on a crusade to shut down
regional communities and to spread a fear campaign in cities about the sustainability of our
natural resources and primary industries. The people involved in these industries do not take
kindly to demonisation. The people involved in these industries are doing the best they can to
earn a buck, to put food on the table for their kids, to pay off a boat which usually costs
millions of dollars these days, and they are continually being subjected to changed and
increased requirements and ridiculous demands about what should or should not happen.

The most recent one, of course, was a couple of years ago, when the marine reserves were
introduced by the former Labor-Green government. They just shut down the whole of the
Coral Sea—completely shut it down. There was no extraction at all in the Coral Sea as a
result of these marine reserves. I said earlier, at the start of this speech, that we should base
our fishing policy and our fishing catch on sustainable use. Clearly that decision was not
based on sustainable use, because zero is not sustainable use. Zero is not the level of
extraction that will maintain a population of fish. You can of course extract a percentage of
the fish and still maintain a stable fish population over time to make sure our future
generations will still have access to this resource and still have a diverse and sustainable
environment to live in.

They wanted zero because green on a map looks really nice. When you stand in front of the
TV cameras in the election campaign at the Sydney aquarium in front of beautiful fish that
look like Nemo—they are not even on the reef; they are in an artificial environment—it
sounds nice to say, 'We're stopping fishing in the Coral Sea.' That is why they do these things.
They do these things because it looks good on a political pamphlet dropped in people's
letterboxes during a campaign. They do these things because stopping fishing sounds nice in a
TV advertising jingle.

But the actual reality of what happens is it is not good for the fish, it shuts down industries,
it hurts regional communities and it takes away people's jobs and livelihoods. That is what is
not on the political pamphlets. You do not turn over the other side and see how many mums
and dads lose their jobs because of these decisions. Those marine reserves alone—it was just
one decision, one thing that has happened to the fishing industry in the last couple of decades
in this country—were going to cost Australia around $20 million a year, according to
ABARES, and more than 100 jobs.

In this place, people will probably say, 'What does it matter? One hundred jobs is not that
many.' Well, 100 jobs is 100 families; it is 100 people impacted; it is 100 people who will
worry about how they pay their mortgage; it is 100 people who will worry about what they do
with the boat that they have been left with, which now does not have much value or much use
because of decisions we make in this place. And for what benefit? We do make decisions in
this place that cost people their jobs at times, and they are hard and tough decisions. But it
must clearly and surely have a corresponding benefit that we thinks compensates for the
harshness of those policies. But this has no impact. It does not protect fish. It is not good for
the environment. It is about suiting a political campaign, not a real world impact.
In November last year I was up in Karumba, a big fishing community in the gulf in Queensland. Fishing and a little bit of tourism is all Karumba really has going for it. It is a beautiful place. If anyone is listening and wants to go on a road trip, having a beer at the Sunset Tavern in Karumba is a great experience. When you are watching the sunset there over the gulf, you think you are close to God. It is a beautiful place. But it cannot just survive on grey nomads driving thousands of kilometres to come and visit now and then. It needs an industry as well. It has the fishing industry. There are a lot of prawn trawlers there. Indeed, my chief of staff used to work on a prawn trawler up there when he was younger. It is a great place.

According to ABARES, this marine reserves policy was going to cost jobs but it was also going to reduce the average income in Karumba by $2,023 per person per year. Imagine if we had an environmental policy which cost someone in Sydney, Melbourne or Brisbane $2,000 a year!

Senator Sterle: You had Work Choices, remember, mate!

Senator CANAVAN: And we saw what happened with Work Choices. It was not a good policy—although I do not believe the figures are commensurate. It was not a good policy and we walked away from it because of the impact on people. Likewise, this policy was not a good policy. Through you, Mr Acting Deputy President, I accept Senator Sterle's acceptance that the marine reserves policy was a bad one because it cost people in Karumba $2,000 a year. We should consider those impacts on people. This gets ignored because Karumba is a place of only a few hundred people and it is a long way from here. There are no TV cameras there. There is no media there to report people's stories and heartache at the policies that we do here.

What I would love to have happen in this place is that we stop the demonisation of people who are just trying to have a job and make a living in this country. When we make wild claims about fishing, about the beef industry and about irrigation in the Murray-Darling Basin we are individually and personally attacking people in our community. We are telling them they are doing something that is not right—which is absolutely rubbish. All of us still eat steaks that the beef industry provides—or most of us do. All of us still eat the fish from our waters. All of us still wear clothes that are made from the cotton that is irrigated in those communities. Very few of us give up those things, but we want to righteousness stand here and condemn and object to people's livelihoods while living on the back of the wealth they produce. I hope this bill goes down, because it will be a small step towards rejecting the demonisation of these industries and starting us back on the path of supporting industries such as fishing, farming and mining. People here like to condemn those in the mining industry all the time while living off that wealth and using the taxes they generate to make this country a better place.

Senator BIRMINGHAM (South Australia—Assistant Minister for Education and Training) (10:49): It is a pleasure to follow Senator Canavan in this debate. For those who listened to his contribution, the point that needs to be emphasised again and again is that Australia should be proud of our status among all the countries of the world as a responsible manager of our natural resources. In our fisheries, our biodiversity, our land management practices, our freshwater management practices, agriculture, forestry, mining and resources and extractive industries generally Australia is a world-class citizen. In many ways, we are
top of the class for having responsible frameworks that provide the best opportunities to
manage our natural resources—both our finite natural resources and our renewable natural
resources—and best protect our environment while allowing for economic growth, job
opportunities and the potential as a country to enjoy and sustain the standard of living that we
expect and hope all Australians can access now and into the future.

We should stand proud. That is not to say that our laws and our systems in all of these
areas are perfect or that there is not continual opportunity for improvement in the way we
manage resources, but we are very good, very able, very responsible managers of all aspects
of our natural resources. All too often, there are people who seek to vilify the way in which
we manage those natural resources. There are people who seek to portray Australia as being
an irresponsible citizen. Sadly, all too often, those criticisms come not from the rest of the
world—the rest of the world largely recognises that Australia sets best practice in natural
resource management—but from within pockets of the Australian community which, as
Senator Canavan rightly identified, are often quite detached from the land, the ocean and the
environs that we are debating here and the resources we are seeking to manage.

Sometimes the criticism and vilification comes from within this parliament—particularly
from within this chamber, from some of those in the Greens’ corner of the cross benches, and
sometimes from those opposite. That is disappointing because we should be holding Australia
up as the gold standard, because that, in large part, is what we are. And we should be
encouraging people to see the resources we dedicate to scientific research, to informed
assessment against that scientific research and to putting in place sound regulatory structures
around that, as shining examples of what the rest of the world should be aspiring to, and what
we can help the rest of the world do to manage our resources.

Senator Canavan rightly highlighted, in relation to fisheries in particular, some of the
countries from whom we import fish. In those countries the management practices are vastly
different from the practices we apply in Australia. And by no means are those practices of the
some high standard that we have. He acknowledged—and I, too, acknowledge—that often
these are developing nations. Their economies are at a different stage and their legal and
regulatory structures are at a different stage. Their capacity to enforce and deliver compliance
regimes for these types of regulations are also at a stage that is different from Australia’s and
from Australia’s economy. So it is not intended as a criticism of them, but as an example that,
in relative terms, Australia stands out well and truly ahead of the pack.

But we should not simply rest on our laurels. Where there is scope to improve management
of our natural resources, including our fishery stocks, then that is exactly what we should do.
But the actions for such improvements should be based on the scientific evidence. They
should be based on informed knowledge. They should be based on a realisation that when you
take action that constricts an industry—that restricts its capacity to operate—there is an
impact. There is an economic impact and, from that economic impact, there is a social impact.
By constricting industry—by constricting that activity—you create less wealth, you have
fewer jobs and you have, therefore, poorer standards of living for Australians.

Getting the balance right to ensure that we have, in a fishery sense, sustainable industries
into the future—which can sustain the businesses, the industries, the employers, the
employees, the jobs, the families, the communities, the towns and the support businesses
which all rely on those industries—is what is so very important.
Sadly, sometimes rather than information or new approaches that are based on science or on an appropriate understanding of effective regulation and effective lawmaking, we see posturing for the sake of cheap headlines. That is what the legislation before this chamber is really all about. The opposition introduced the private member's bill to repeal division 4 of part 15B of the Environment Protection and Biodiversity Conservation Act on 19 March last year. If they had such long-standing concerns about this part of the act they could have exercised them during their time in government. But they did not; instead they decided to engage in a bit of posturing just a few months after they arrived in opposition.

The effect of the proposed bill would be to remove the sunset clause currently contained in part 15B of the EPBC Act, which has prohibited new declarations from being made from 20 September 2013. Removal of that sunset clause would allow for new declarations to be made once again under part 15B. Since this legislation has been introduced we have had a further amendment proposed by the Australian Greens, which would also seek to create an offence in the Environmental Protection and Biodiversity Conservation Act of using an oversized fishing vessel in a Commonwealth marine reserve or marine area. Oversized fishing vessels under that amendment are proposed to be any vessels that have a processing and storage capacity greater than 2,000 tonnes.

The Greens amendment adds to the amendment proposed by the opposition—that is, it would operate alongside the power to make declarations over new commercial fishing activities, and establish expert panels. It is important to understand, in relation to what the opposition is proposing by removing the sunset provision, that while this private member's bill would allow for new declarations to be made prohibiting new commercial fishing activities for up to two years, part 15B—the part of the act that we are talking about—has never provided the power permanently to stop supertrawlers from fishing in the Australian fishing zone.

The government opposes this bill of the opposition, and the amendments of the Greens, because we see them largely as posturing, and because we think that they are not the most effective way of regulating this part of the fishing industry. The private member's bill of the Labor Party, and the proposed Greens amendment to that bill, will not provide a permanent ban or a permanent stop to supertrawlers from applying to operate in Australian fisheries. We hear lots from those opposite, suggesting that that is what this legislation is about, but in reality it will not do so. This legislation will only provide for temporary bans of up to two years. The Greens amendment focuses instead on storage capacity. Fish storage capacity can, of course, be reduced or amended on different vessels.

The government believes that we should support, of course, commercial and recreational fishers both, and we are committed to the continuation of having well-managed fisheries in Australia—well-managed fisheries where that management and the approaches to it and the caps and limits on fisheries take that are applied are determined and based on scientific information and knowledge.

We are aware that there are concerns from a range of groups, including recreational fishers, about the potential impact of supertrawlers on Australia's marine environment, on our protected species and on our local fish stocks. We acknowledge those concerns. That is why late last year we announced that there would be a ban on supertrawlers—factory freezer vessels of more than 130 metres—from fishing in the Australian fishing zone, and that that
ban would be implemented appropriately under the Fisheries Management Act 1991. It is an appropriate change, and it is an important provide a conservative, considered, scientifically based, sound regulatory environment for our fisheries industry to operate in. It is important that we provide this to protect those fisheries stocks.

Australia adopts a very conservative approach to the setting of catch limits for all Commonwealth fisheries. The small pelagic fishery catch is currently set at 7½ per cent of the total estimated fish population. That, of course, means that 92½ per cent of the estimated fish stock is left in the water for rebreeding purposes and to ensure the sustainability of the industry.

Not only do we adopt conservative approaches to the setting of those limits and appropriate quotas but we are also committed to an informed approach to fisheries management. Our government has invested $1½ million in independent research to refresh our data on the current size of many Australian small pelagic fish stocks. The first results from this research will be available in March and will assist in setting total allowable catches for the small pelagic fishery from 1 May this year.

Until the new survey results are available the conservative catch limits we have are based, of course, on the earlier survey data—the earlier best available information we had. Initial results from the research suggest that the spawning mass for species like the jack mackerel may be similar to previous findings, but this analysis will be reviewed by independent scientific experts prior to it being finalised so that we can have confidence that the decisions taken for appropriate management of our fish stocks are absolutely the right ones based on and informed by the best available scientific information.

I said before that it is an act of hypocrisy on the part of those opposite to be bringing this bill before the parliament right now, given the way they have treated this issue in the past. Senator Ludwig and his party lament, it seems, their own poor handling of this issue when they were in government. We are doing what they could not and did not do, which is to provide for an effective permanent ban in relation to supertrawlers. We will bring that in via regulation under the Fisheries Management Act—where it belongs, where it always should have been. We are doing what those opposite should have done when they realised and acknowledged there was a problem with the proposed supertrawlers, rather than what they did, which was put in place at this time—limited provision in the EPBC Act. We have confidence in the sustainability of our fisheries, managed as they are by the Australian Fisheries Management Authority. But we believe we can strengthen that confidence further by the new regulation we have proposed in relation to supertrawlers.

We should, though, remember what the Labor Party said when they were in government. Mr Tony Burke, who first had a role to play in this space as agriculture minister, responsible for fisheries, basically invited supertrawlers to come to this country. In the 2009 the Small pelagic fishery harvest strategy, a document released under his watch, said:

There are considerable economies of scale in fishery and the most efficient way to fish may include large scale factory freezer vessels.

There is certainly an encouragement there identifying the economic benefits and the benefits of scale from such approaches. The minister then went on and, in fact, proudly trumpeted the coming supertrawler when it was revealed; he went out and proudly proclaimed that this was
the first time a trawler with a storage capacity of 2,000 tonnes or more was likely to operate in an Australian fishery.

The Labor Party were there, happy at that stage to see this activity going on. Their response was then poorly-structured approaches in terms of time-limited actions via the EPBC Act. We believe our response has far greater credibility because it will provide a permanent and lasting approach. But it is also complemented by our commitment to act in every possible way in a manner that preserves our fishing stocks and is informed by science—informed by research, informed by knowledge—and then acted upon in the setting of appropriate regulatory arrangements.

As I said at the outset, as a country we should be celebrating our achievements in relation to the management of many areas of our natural resources. In fishing, that is absolutely one of them: we take seriously the setting of limits. We take seriously an appropriate management of fishing stocks and of fishing zones and areas because we know that we need to allow those species to regenerate to be able to have sustainability. But we also take seriously the need for industry to be able to operate, for businesses to be able to operate and to create the jobs, the income and the support that communities need and so richly deserve.

We also know that, if we overreach and over-restrict what happens in Australia in relation to fish stocks, we will see an increase in importation from other parts of the world. If we see that increase in imported product, it will most likely be coming from countries whose management practices do not reach the same high standards that we have. So, rather than coming in here, as some will do, and vilifying the approach we have to managing our natural resources in Australia and to managing our fisheries in Australia, people should come in here and celebrate the strength, credibility, reliability and knowledge that underpins our approach. In celebrating that, people should highlight it to the rest of the world and encourage others to adopt the same types of standards that we have, to recognise that we are a world leader and to recognise also that this government is proposing a permanent solution to a problem that is being debated rather than the temporary one proposed in this legislation. That is why this legislation should be defeated, as I would urge the Senate to do. (Time expired)

Senator WRIGHT (South Australia) (11:09): I rise to speak and add my contribution on the Environment Protection and Biodiversity Conservation Amendment Bill 2014, which is a Labor private senator's bill. This bill is designed to give the Minister for the Environment the discretion to allow supertrawlers into our country and into our seas. I want to be very clear right from the outset that it will not stop supertrawlers and it does not ban supertrawlers. But, before I discuss the detail of the bill and the issues around the technique that the opposition is using in introducing this bill, I just want to contribute a few thoughts about what we are facing in making these kinds of decisions in this parliament in Australia in the second decade of the 21st century.

I think it is very clear from the evidence that has been mounting from probably the 1950s and 1960s onwards and every week in the 21st century, more and more compellingly, that the actions that we are taking now, the decisions that we are making now, this century, have an unprecedented capacity to affect the viability of not only our species but every other species on this beautiful, beautiful planet that we have. It is very clear that the combination of increasing human population and the incredible complexity of the technology that we now wield on this planet means that we are at a point in history when we are seeing unprecedented
species loss, with predictions that half of all species on the earth may be extinct by the end of this century. It is very, very clear too, in the context of this discussion, that these species include many, many fish species. We know—just being anthropocentric and thinking purely from a selfish human point of view—that so many people around the world rely on fish for their main source of protein and nutrition, so we know that the sorts of discussions we are having here are not just political. They are actually about the survival of our species and other species on this planet.

Along with many other people, although I know these things, I do read the science, and I watch the science with increasing concern. Like many others, I read an article in 2013 by Ivan Macfadyen called ‘The ocean is broken’. It was published in The Sydney Morning Herald. It is still available if people listening to or reading this speech want to have a look at it. He wrote about a sailing trip that he did. He is an experienced sailor, so he had the ability to compare his experience then with what he had previously experienced on other trips. It was chilling. It was heartbreaking really. He had noticed changes in the last years. Basically, he was confronted by the silence that he heard, the silence on the seas, and he realised that this was attributable to the fact that they saw very, very few birds. They also caught very few fish. They would normally have caught fish each day to feed themselves. Over the period of a journey between Australia and Japan, they were able to catch two fish.

We can stand here in this chamber and we can talk about these facts. We can talk about these statistics till the cows come home. We can pay lip-service to these concerns, and we would all pretend that we are all really concerned about this, but I want people to really think about what the responsibility is that we hold in our hands, particularly in this parliament as legislators but also people throughout Australia and indeed internationally; about the choices that we are making now; and about what they will mean not in the far distant future but very soon for us and for our future citizens—‘our children and our grandchildren’ is the way I often like to put it.

Let us turn now to the bill and the context for this particular bill. I want to again be very clear that this Labor Party bill will not stop supertrawlers and it will not ban supertrawlers. There was a great deal of anxiety the last time there was a supertrawler that was threatening to come to Tasmanian waters and fish. Ultimately, because of the pressure of the fishing community and the non-government organisations—and certainly the Australian Greens were very much there listening to those concerns and relaying our understanding of the science—steps were taken to have a sunset clause to not allow that supertrawler to continue. But this bill will not actually stop that potential from happening again, and, as we know, there is now discussion about another trawler coming to Australian waters.

What are these supertrawlers that people are concerned about? Supertrawlers are like a lot of other things that are happening in this century with the use of technology that we human beings now have. We can wield so much power and we can do so many destructive things in very short time spans now because of the technology that we have. Essentially, supertrawlers are a form of industrial fishing. It is not the fishing that we might have once thought of when we thought about people on boats out there against the elements, catching their fish after an honest day’s work.

These are industrial fishing machines. These are essentially floating factories that allow the catch to be frozen for long periods of time before they return for processing. They catch
stupendously unimaginable large amounts of fish from the oceans. Basically, the evidence is very clear: wherever these supertrawlers have gone, these industrial fishing vessels, they have broken the ocean. That is what we are talking about here. In the context of what we are facing in terms of our survival on this planet, it is really important to bear that in mind.

This bill will return us to the situation that we had before when the Labor Party was in government and the last supertrawler was threatening to enter Tasmanian waters. It will essentially give discretion back to the environment minister, whoever that happens to be at any particular time, to allow a supertrawler to help itself to Australian waters. With the history of environment ministers that we have seen recently from both shades of government, both shades of the parliament, Labor and the Liberal-National party coalition, this does not strike me with any particular confidence. Despite the fact that we are constantly being told that both the opposition and the government are beholden to the science, the evidence is to the contrary.

If we look at the sorts of decisions that have been made about the environment in the past, in the face of scientific evidence—and coal ports on the Great Barrier Reef are just one example—it does not provide me with any consolation at all that we can rely on the environment minister; that if there is a discretion on the environment minister, they will make the right decision when we are thinking about the long-term national interest and the science. The big battle last time with the supertrawler was not fully won. The supertrawler was stopped then but they will keep wanting to return to Australian waters, especially where other oceans are broken.

The argument that we need to leave it to the science, to the discretion of the environment minister, has two flaws as far as I am concerned. One is that the scientific work has not yet been properly done. Even the resource assessment group at the Australian Fisheries Management Authority agreed that not enough scientific work had been done the last time this debate was live, and that work is still not finished. With all the evidence about the depletion in fish species around the world, it is very clear that there is still a huge amount of scientific uncertainty.

I know that the concept of the precautionary principle has gone out of fashion because it is not convenient for people who want to make a lot of money out of exploiting resources. But, in fact, at this point in the 21st century, the precautionary principle has never been more important. When there is a risk to this extent, we have to use caution. We have to be conservative. We must not be extreme when it comes to conserving the very resources of the environment that we rely on for our survival.

The other aspect that I have already canvassed is that even where there is clear scientific evidence such as the evidence about the risk of catastrophic climate change and the clear evidence about the most effective ways to deal with that risk, to mitigate that risk, there is no compelling evidence that governments will necessarily take action on that. I think the federal government that we have at the moment is a case in point.

I now want to turn to some very fishy links between the imminent advent of another trawler and this federal government's role in that, and some donations made to the Liberal Party by the Southern Bluefin Tuna Industry Association that have recently come to light. The Southern Bluefin Tuna Industry Association is based in my home state in South Australia. They have been very outspoken in the past in support of the supertrawler when it was coming
to Australia last time around and they are outspoken in favour of supertrawlers such as the one that is now wanting to approach our shores. Why?

The thing about tuna farming is that, as with all farms, you have to be able to feed your product; you have to be to feed your tuna. For every one kilogram that is added to the weight of a southern bluefin tuna that is being farmed, you actually have to feed it 12 kilograms of fishmeal—12 kilograms converted into one kilogram. If we are talking about feeding the world, if we are talking about efficiencies, it is obviously highly, highly inefficient that we are concentrating large amounts of protein into small amounts of protein. Why is that happening? There is a lot of profit to be made out of it—and I will come back to that.

Ninety seven per cent of the pelagics that are caught in Australia go to fishmeal—that is small fish like sardines and so on. They are the species that are targeted by supertrawlers. They go to fishmeal and it is fishmeal that is fed to the tuna that are being fattened up at the tuna farms off the coast of South Australia. When the last Seafish Tasmania trawler caught small pelagics, they were sold as fishmeal. What will happen with the proposed trawler and the pelagics caught by it? The government is saying that Seafish Tasmania may sell small pelagic fish-catch to Africa for food. Of course, that is an interesting idea because if that were definitely to be the case then there would be some kind of a moral argument at least that we would be feeding people who need that protein. But, in fact, there is uncertainty about that. It has been very difficult previously to know where the pelagic fish were going to go—and we still do not know that yet. You might like to watch this space to see what happens over time, but there is a very strong possibility that any pelagic fish stock from the supertrawlers will be sold to Australian fish farmers. Let us watch this space. There is some uncertainty about that at the moment, and that is some of the scientific and political uncertainty that we are dealing with in this space.

Let me take you back to the way that the tuna farming industry works and what happened in relation to a donation that the tuna fishers made to the Liberal Party before the last election. Australia's tuna fishers made a $320,000 donation to the Liberal Party, and most of it—$250,000—was before the 2013 federal election, and $70,000 was after the election. Why did they make the donation after the election? I am not sure why that would be, but they have never before given any donation to the Liberals or to any other party. What transpired? What did the Liberal Party do? When the Liberal Party gained office two things happened very quickly. The first one was that they changed some of their policies. What was the result? The result was a windfall of over $600,000—I think the figure is around $800,000—to the tuna fishers after the election. They did this by delaying the introduction of video monitoring technology which is designed to stop rorting of the data about the quota that is being taken in tuna in Australia.

Prior to the election, we know now that Liberal Senators Richard Colbeck and Sean Edwards visited Port Lincoln and Ceduna, which is where the southern bluefin tuna industry fishers are mainly based. They had a couple of visits and some meetings there. Although in estimates Senator Colbeck did not remember discussing donations initially, he did come back and recollect that in fact the idea of donations to the Liberal Party had been discussed. As well as that, there was a letter, a written undertaking, specifically committed to reducing red tape that had been raised by the tuna industry. Let us go back to the question about the southern bluefin tuna industry and how it works—
**Senator Ruston:** Madam Acting Deputy President, I rise on a point of order. I am just wondering whether the senator is prepared to make these allegations outside this chamber.

**The ACTING DEPUTY PRESIDENT (Senator O'Neill):** That is not a point of order. Senator Wright, please continue your remarks.

**Senator Wright:** Thank you. In fact, the allegations are not allegations; they are statements of fact. They are on the public record in the estimates. In fact, they have been reported in newspaper articles outside the chamber. I invite people to Google and find out the story. There was one particular article in the *Sydney Morning Herald* about this. I have been outlining a chain of facts, a chain of what occurred. People can draw their own conclusions from it; but, to me, the conclusions are pretty clear. We have the southern bluefin tuna—and let us not misunderstand this—which is a critically endangered species. It is recognised internationally as a critically endangered species which has been overfished. It is vital, therefore, for this critically endangered species that it is not overfished and that it is managed internationally by a quota system. Obviously, vital for the conservation and the integrity of the quota is that it is not rorted and that there is accurate data around whether or not the quota is being met. It is also part of a fishing industry which is worth about $1 billion internationally to those who benefit from it. So there have been high stakes negotiations between countries like Australia and Japan about the size of the quota their fishers can take, and they have long argued over their shares. Australia's quota is about 5,000 tonnes per year. However, soon after the federal election, the quota for the Australian fishing industry, the tuna fishers, was increased by about 10 per cent.

The Australian industry is centred off Port Lincoln in South Australia. Nearly all the tuna in that industry is netted live in the Great Australian Bight and then dragged in cages slowly through the ocean. Some fish die in that process and are thrown away. These fish are not counted as part of the quota. The fish are then transferred into pens in the ocean near Port Lincoln, and there they are fattened up in the cages. As we heard, 12 kilograms of pelagic small fish is required to grow one kilogram of tuna. Then they are onsold to Japan's sushi and sashimi market. A handful of families are involved in this industry, and they have multimillion dollar licences.

Let us be clear: if we are looking at feeding the world, this is a very inefficient way to do it. There have been long-held concerns about the integrity of the quota system, which relies on the reliability and the accuracy of the data. What was proposed by the international organisation was that there would be video monitoring, because that is one way to ensure that we have proper data. Concerns had been raised that a sample taken from the top of the cage where the smaller fish are congregated would underestimate the average size when the larger fish were below the cage. Also, there are fish that die before they arrive in the pens and they are not counted. So the introduction of video evidence that Australia undertook to do in 2012 and committed to a full rollout by 2013 was a way of trying to ensure the integrity of the process. In 2013, we have a new government who advise the chair of the Commission for the Conservation of Southern Bluefin Tuna that Australia has decided to postpone the implementation of stereo-video monitoring until an automated solution became available. This was met with dismay by New Zealand and Japan was extremely concerned, because they know that there is extra uncertainty of unaccounted mortality created by the delay in the implementation of the stereo-video system. So we have a delay in the video technology,
which has netted the Australian Southern Bluefin Tuna Industry Association, the tuna fishers, a saving of close to $800,000. We also have the consequences whereby we have an international commission where there is mistrust and concern about the reliability of the quota system. We also have Australia taking a step like this, which means that we will then potentially have consequences from countries like Japan, who will have the grounds perhaps to say, 'In that case then, if we can't rely on the system that you're implementing, why should we comply?' What will they do? How will they respond? It is just human nature. That is the politics of what has occurred.

Let me finish by saying that we need to be sure that the decisions we are making in this parliament are truly based on the science, that they are based on accurate data and that we set up the systems which are necessary to ensure that we have that accurate data. Also, those systems should not be subject to undue influence by donations that are being made to political parties that happen to be in government. (Time expired)

Senator BERNARDI (South Australia) (11:29): I rise to put some thoughts on the record with regard to the Environment Protection and Biodiversity Conservation Amendment Bill 2014 introduced by Senator Ludwig. It will not surprise those in this chamber that I am opposed to the bill put forward by Senator Ludwig and also the amendment put forward by the Greens.

Before I address the specific substance of the bill, I do feel it is incumbent upon me as a South Australian senator, just like Senator Wright, to respond to some of the statements that Senator Wright has made. I must say from the outset that I am very, very disappointed that Senator Wright would choose this chamber to attack one of the most important industries to South Australia, and that is the southern bluefin tuna fishing industry. It is an industry that is extraordinarily valuable to our state. It generates some hundreds of millions of dollars worth of revenue. It is very important to the town of Port Lincoln, where I spend quite a bit of time.

I consider many of the tuna fishers to be my friends and I consider them to be great contributors to South Australia. They invest in South Australia, they invest in jobs and they invest in developing best industry practice in the tuna fishing industry—

Senator Wright: They are friends of the government!

Senator BERNARDI: I might I say this: Senator Wright, of course, gets caught up in all of her rhetoric. She gets caught up in her antipathy towards any harvesting of the sea. I am one of those who loves harvesting from the sea, quite frankly. I enjoy nothing more than heading out of Port Lincoln in my little boat and catching things like sharks—you know, sharks, which are dangerous creatures and hurt people. But not only that: they consume thousands of kilograms of protein every year that Senator Wright wants to protect. They consume the sardines, they consume the baitfish, they consume a whole range of things. I like catching them, I like cooking them and I like eating them. What I do is: I cut them up, I breadcrumb and deep-fry them. It is beautiful. It is something for the whole family to really enjoy.

I am a consumer of protein just like the tuna consume protein. In Senator Wright's world, the tuna, if they were not captured by the tuna fishermen, would not eat anything at all. They would not chase those tasty sardines and those little pelagic fish. They would not eat the 12 kilos of other fish in order to put on one kilo of their own growth. No! They would swim through the ocean and not eat anything at all. It is not like we can force feed crew. It is just
preposterous to presume that, somehow, by capturing some smaller fish, fattening them up and adding enormous value—and it is a world-pioneering experience—we are doing damage to the environment.

Let me tell you what does damage to the environment: a fishing industry that is not managed as well as the Australian fishing industry. We are at the very top, in South Australia in particular, of managing the fishing industry—particularly the southern bluefin tuna industry. If we go back to the issue of quotas, I remember when quotas were reduced for many nations when the Howard government was in—it was a fine government—because they had been doing the wrong thing. They had not been counting quotas. They had been virtually doubling the fishing over what they should have been. But Australia was protected in that reduction of quota, because we did the right thing. Quite frankly, I was very proud of the government. Minister Abetz was, I think, the fisheries minister at the time. He went in and fought on the international stage. He said: 'Why should we be penalised when we are doing the right thing by the global fish stocks and sticking within our quota?'

Of course, that did not take place under the previous government. Quotas were reduced despite Australia being, perhaps, the best managed fishery in the world. Based on my own experience and the experience and wisdom of those who go out and fish for tuna commercially, there are more tuna out in the Great Australian Bight than ever before. It is quite extraordinary how much is available out there. It is because it is very, very well managed. So I do not buy what Senator Wright is peddling.

It is worth noting that the Greens—that extreme environmental movement, if you will—has long had this antipathy towards any harvesting of southern bluefin tuna. I remember when Mr Peter Garrett, one of your former ministers, Mr Deputy President Marshall, was an environmental campaigner rather than a political campaigner. He was head, I think, of the Australian environment council or something like that. He was actually pushing for an entire time ban on any commercial fishing of southern bluefin tuna. It was preposterous. It was absurd. But this is just how the extreme green fringe want to actually stop people from harvesting the bounties of the sea. It is right for us to question. If we are going to complain not based on science and not based on evidence but on some emotive unfairness to the fish and prohibit Australians, or anyone else for that matter, from sustainably catching important food for the world, where are we going to end up with this? If we allow government to encroach at these sorts of emotive levels, what is going to happen in the future? Are they going to continue to prosecute, prosecute and prosecute the case until it is the recreational fishermen that, ultimately, suffer?

Recreational fishermen are, in many respects, great environmentalists. They do the right thing. I support the fisheries officers that go out, check and make sure that we do the right thing, because we want to see fish stocks maintained. I do not want to see the rape and pillage of the sea, because that would be entirely inappropriate. We need to make sure that things are sustainable. That is why we cannot, in all conscience, listen to the types of rhetoric of the emotive arguments that are not put forward based on any real science apart from—

Senator Wright: Real science, like video-monitoring technology?

Senator BERNARDI: Thank you, Senator Wright. Through you, Mr Deputy President Marshall, I know Senator Wright hates South Australia. I recognise that Senator Wright really loathes South Australia. That is why we do not see her standing up for submarines in South
Australia or for the southern bluefin tuna industry, or for anything else. The only thing we hear from Senator Wright is some sort of—

**Senator Wright:** Mr Deputy President, I rise on a point of order. It seems that Senator Bernardi insists on misleading the chamber by suggesting that I have been trying to—

**The DEPUTY PRESIDENT:** Senator Wright, this is not a point of order. Please resume your seat. Senator Bernardi, you have the call.

**Senator BERNARDI:** In legal parlance, it would not be a vexatious litigant; it would be a vexatious point of order giver. I think we should consider whether people only have a certain number of points of order to give in this chamber before they are ruled disorderly.

If we go back to the point, South Australia has some critical industries and, quite frankly, the defence industry is one critical industry. I am very pleased that senators on this side have fought internally with the government to ensure that South Australia gets a better than fair deal. I must say, the Prime Minister has been very supportive in that respect. But there are also other industries that are very important such as the southern bluefin tuna fishing industry, the prawn industry, the agricultural industry. They are all very important from South Australia. We can ill afford to let any of them go by the wayside.

But is it just coincidence—I am asking myself this question and I would ask the Australian people to consider it as well—that some of these very successful industries are the ones that are most targeted by the extreme and radical green movement? They do not really like agriculture. They claim that cows, for example, are destroying the climate or that sheep are destroying the environment. The bluefin tuna industry, of course, is suddenly some sort of terrible blight upon the world. But what they do not accept is that they are users of all the goods that are produced through this primary production. They do not seem to like mining or the defence industry. I just wonder what they do like. In actual fact, we know they like each other.

**Senator Ryan:** Windmills.

**Senator BERNARDI:** And they do like windmills, which I consider to be a blight on the environment myself.

Going back to the substance of this bill, it is built around rhetoric. It is built around an emotive argument. It is built around some sort of hysteria, which I do not think it is entirely appropriate, quite frankly. As I said at the start, I will not be supporting the Environment Protection and Biodiversity Conservation Act Amendment Bill 2014 nor will I be supporting the amendment by the Greens.

Senator Ludwig, who is someone I do have some respect for in this chamber, has put forward this bill and has made in the past comments about what fishermen in this country want. As a fisher in this country—not a very successful one but one who is very keen on enjoying not only the nutritional benefits but the entertainment benefits of fishing—I join with so many other people that do not want to see plunder from the sea that is unjustifiable. We want to make sure that the bycatch is minimised. We want to make sure that there is a sustainable fishing catch going forward.

One of the alternatives that can supplement a wild fish catch is fish farming where they will take smaller fish such as in the southern bluefin tuna industry and fatten them up to add value using fish meal or sardines or pilchards—and that is indeed a huge industry all of its...
own. Also the alternative is to grow fish from little sprats and breed them. They do that in the abalone industry in South Australia as well. There is a very successful abalone-growing onshore industry where they export right across the world, particularly to China. You also see it with barramundi and in a whole range of other areas. But wild caught fish is generally the freshest. It is the cleanest and there is something that is wonderful about being able to eat a wild caught fish.

We also know that the more limitations we put on that, the more reliance will go to fish farming practices which do not meet the same standards as they do in places like South Australia, where fish husbandry or animal husbandry is not at what we would deem to be at an acceptable level. That could be where you are picking up some crustaceans or shell fish or even some other pelagic fish which have been grown in polluted waters or in an unsanitary environment and so are unacceptable. That is the risk if we go down the path of what the Greens and others are suggesting.

There is no real suggestion that we are increasing some sort of catch or bioharvest from larger ships or anything else that is coming in—they may consolidate the catch of a number of smaller ships. It may be done more efficiently. It may produce more jobs or fewer jobs. We do not know, but we are not saying we are going to catch 50,000 tonnes more fish. In actual fact, Australia's quota is quite straightforward and we try and act within those limits.

We also do not hear a lot of discussion in this building about the poachers that go into Australian territorial waters. We need appropriate measures to apprehend and intercept those poachers who clearly do the wrong thing all the time. But in the world of moral relativism that groups like the extreme environmentalists put forward, somehow we are persecuting these poachers because they have got no choice; they have to do what they have to do and we should not be prosecuting them. Whether it be the Patagonian toothfish, whether it be harvesting shark fins in Australian waters, which is pretty barbaric—they should at least capture the whole shark and cook it up and eat it because they are very tasty—or whether it be the harvesting some sort of shells, poachers are doing the wrong thing. Australian fishers overwhelmingly do the right thing whether it be commercial fishermen, recreational fisherman or those that act somewhere in the middle.

I will not be supporting this bill. I do recognise that management of fisheries is something that many in this chamber and across this parliament are interested in. But in order to manage things appropriately you have got to be fully informed about them. That means not just some sort of theoretical knowledge about it. It does not mean dismissing the expertise of those who have spent decades on the sea and who understand what it was really like in what I will call 'the bad old days' when there were no quota limits, size limits or bag limits. Some of the old videos from South Australia are extraordinary, where you see fish piled six or seven deep on the deck of a large boat—the sorts of things we would abhor today; that is what was done previously.

We have experts managing our fishing environment—not only AFMA but also experts who have spent their entire lives in the fishing industry and who have absolutely nothing to gain by destroying that industry. In fact they have everything to lose. Similarly, people like me and the many other recreational fishers have absolutely nothing to gain by seeing the fish stocks of the sea depleted to a point where we cannot sustain a reasonable catch for
recreational fishermen or continue to sustain feeding the billions of people around the world who depend on seafood and those who choose it because it is healthy.

I think South Australia has a wonderful opportunity to present itself as the clean, green seafood capital of the world. We have pristine waters. The waters of the Southern Ocean are some of the most pristine in the world. We have very good fish management practices there. We have responsible corporate citizens who play an enormous role in their community. We also have other commercial fishermen who want to come in and maximise the return on their investment from fishing in South Australian waters. I do not see anything wrong with that. I think efficiencies are positive because people can save money and it can lower the cost of good for consumers. If the same quota can be caught in a shorter time frame there is a greater opportunity over the remainder of the year for the fish stocks to replenish. These are all positive things.

I think that bills like Senator Ludwig's and particularly the amendments put forward by the Greens—with the emotive and, I would say, uninformed arguments put forward by Senator Wright and others—do a disservice not only to my home state of South Australia, and I am extremely parochial about it, but also to the good management of fisheries right across our country. Successive governments have tried to do the right thing, in many respects. They have bungled it on some occasions. I am not going to play partisan politics and things of that nature, as Mr Burke did when he was fisheries minister. I am not sure that it is actually helpful in this debate. What is helpful in this debate is to be able to have a reasonable discussion about the benefits of fishing to Australia—the commercial benefits not only from an industry perspective and the money it generates but also the fact that that provides us with a huge insight into how fish stocks are actually being managed. We simply do not have the resources or the time to examine to the same level that private enterprise will about fish stocks and how they are being managed. I know from firsthand experience that when there are plenty of fish out there the fishermen are happy to tell you there are more fish than they have ever seen. And when the fish are a bit sparse on the ground they are happy to tell you that too. They know that they need to do the right thing not only by their industry but by the nation, by the state and by the community to make sure that the industry they are pursuing is sustainable.

I will stand with the fishermen of Port Lincoln and I will stand with the fishermen around the country who do the right thing. I will stand with the commercial fishermen and the recreational fishermen. I do believe that, ultimately, when we attack them we are attacking one of the great competitive advantages that my state of South Australia, but also Australia, has in that we have a viable, methodical, scientifically based industry in which the interests of nature, the interests of man and the interests of the privateers and government are all combined to produce a sustainable fishing industry. (Time expired)

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (11:50): I rise to make my contribution to Senator Ludwig's private senator's bill, the Environment Protection and Biodiversity Conservation Amendment Bill 2014. As senators would be aware, this bill amends the Environment Protection and Biodiversity Conservation Act 1999—the EPBC Act—to repeal the sunset provision and to enable the minister to establish an independent expert panel to conduct an assessment into the potential environmental impacts of a declared commercial fishing activity and to prohibit the declared fishing activity while
the assessment is undertaken. It sounds to me remarkably like more red tape which would be yet another impost upon industries that are so important to Australia.

I want to make it very clear that the coalition has confidence in the sustainability of Australian fisheries managed by the Australian Fisheries Management Authority, AFMA. The reason we should have that confidence was highlighted for me just before Christmas last year when I joined the member for Barker, Mr Tony Pasin—who is a very good member for a rural seat in South Australia—and the foreign minister to go down to the south-east of South Australia. We met with a number of community forums and groups, and one of the groups we met with was the southern rock lobster industry down there. We talked around a number of things, including fuel levies and exports, and it became very clear that they are a fantastic contributor to our economy. Their industry outlook for 2011-16 highlights that over 54 per cent of their catch is exported. The total value of that is around $583.3 million, and over 54 per cent is exported, but it is sustainable.

The DEPUTY PRESIDENT: Order! It being 11.52, the time for this debate has expired.

NOTICES

Presentation

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (11:53): I give notice that on the next day of sitting I shall move:

That the provisions of paragraphs 5 to 8 of standing order 111 not apply to the National Vocational Education and Training Regulator Amendment Bill 2015, allowing it to be considered during this period of sittings.

I also table the statement of reasons justifying the need for this bill to be considered during these sittings and seek leave to have the statement incorporated in *Hansard*.

Leave granted.

*The statement read as follows—*

**Purpose of the Bill**

This bill will implement measures to protect the integrity of the vocational education and training (VET) system. It will also make amendments to improve the efficiency and operation of the National Vocational Education and Training Regulator and to provide better balance between protection and regulation of the VET system.

**Reasons for Urgency**

Any delay in the passage of this bill will increase the vulnerability of the VET system to rogue operators who are undermining the system by engaging in behaviours that deliberately manipulate the VET system for financial gain. The reputation of both the system and of organisations operating ethically is also being compromised by the actions of rogue operators.

Delays in the passage of the bill will continue to put at risk students and employers. Targeted students will continue to be enrolled in courses for which they are not suitable and may not understand the financial implications of that decision. More broadly, a weakening of the integrity of the system reduces employers' confidence in the suitability and skill level of employees.
Presentation

Senator O'Sullivan to move:

That the Senate recognises:

(a) the supportive role Australia's uranium export industry provides in global efforts to address climate change by avoiding the further production of significant quantities of greenhouse gas emissions;
(b) that, according to the Australian Academy of Sciences, 10,000 tonnes of Australian uranium exports replaces the generation of 400 million tonnes of CO2 from conventional power sources;
(c) that Australia has the largest share of uranium resources globally, with 33 per cent of the world's reasonably assured resources;
(d) the World Nuclear Association has stated in its recent report, The world nuclear supply chain: outlook 2030, there could be as many as 266 new reactors around the globe by 2030; and
(e) that, given our large resources and reputation as a secure long-term supplier, Australia is well placed to capitalise on any expansion of the global nuclear power industry.

Senator Hanson-Young to move:

That the Senate—

(a) notes that 10 March 2015 marked the 56th anniversary of the Tibetan Uprising;
(b) acknowledges that torture and mistreatment of Tibetans by Chinese authorities continues today;
(c) notes the evidence provided in the Torture and impunity: 29 Cases of Tibetan political prisoners report which details specific cases of torture in custody and the impacts of imprisonment on the lives of political prisoners from 2008 to 2014; and
(d) supports the release of all Tibetan political prisoners who have been detained for religious beliefs or practices, or peaceful expression of views.

Senator Hanson-Young to move:

That the Senate agrees that all members of Parliament and senators should be granted a conscience vote on the issue of equal marriage in Australia.

Senator Xenophon to move:

That the following matters be referred to the Environment and Communications References Committee for inquiry and report by 25 June 2015:

(a) the quantum of stormwater resource in Australia and impact and potential of optimal management practices in areas of flooding, environmental impacts, waterway management and water resource planning;
(b) the role of scientific advances in improving stormwater management outcomes and integrating these into policy at all levels of government to unlock the full suite of economic benefits;
(c) the role of stormwater as a positive contributor to resilient and desirable communities into the future, including 'public good' and productivity outcomes;
(d) model frameworks to develop economic and policy incentives for stormwater management;
(e) model land use planning and building controls to maximise benefits and minimise impacts in both new and legacy situations;
(f) funding models and incentives to support strategic planning and investment in desirable stormwater management, including local prioritisation;
(g) asset management and operations to encourage efficient investments and longevity of benefit;
(h) the role of innovation in supporting desirable outcomes and transparent decision-making, including access to information and novel technologies for planning, design and implementation; and
(i) any related matters.

Senator Fifield to move:

That on Monday, 23 March 2015 consideration of the business before the Senate shall be interrupted at 5 pm, but not so as to interrupt a senator speaking, to enable valedictory statements to be made relating to Senator Lundy.

Senator Fifield to move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the National Vocational Education and Training Regulator Amendment Bill 2015, allowing it to be considered during this period of sittings.

COMMITTEES
Selection of Bills Committee
Report


Ordered that the report be adopted.

Senator BUSHBY: I seek leave to have the report incorporated in Hansard.

Leave granted.

The report read as follows—

SELECTION OF BILLS COMMITTEE
REPORT NO. 2 OF 2015

1. The committee met in private session on Wednesday, 4 March 2015 at 7.16 pm.

2. The committee resolved to recommend—that—

(a) the provisions of the Australian Border Force Bill 2015 and the Customs and Other Legislation Amendment (Australian Border Force) Bill 2015 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 7 May 2015 (see appendices 1 and 2 for a statement of reasons for referral);

(b) the Corporations Amendment (Financial Advice) Bill 2014 be referred immediately to the Economics Legislation Committee for inquiry and report by 11 August 2015 (see appendix 3 for a statement of reasons for referral);

(c) the Landholders’ Right to Refuse (Gas and Coal) Bill 2015 be referred immediately to the Environment and Communications Legislation Committee for inquiry and report by 7 August 2015 (see appendix 4 for a statement of reasons for referral);

(d) the provisions of the Migration Amendment (Maintaining the Good Order of Immigration Detention Facilities) Bill 2015 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 12 May 2015 (see appendices 5 and 6 for a statement of reasons for referral);

(e) contingent upon its introduction in the House of Representatives, the provisions of the Migration Amendment (Strengthening Biometrics Integrity) Bill 2015 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 12 May 2015 (see appendix 7 for a statement of reasons for referral);

(f) the provisions of the Private Health Insurance Amendment Bill (No. 2) 2014 be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 12 May 2015 (see appendix 8 for a statement of reasons for referral);
(g) the provisions of the Public Governance and Resources Legislation Amendment Bill (No. 1) 2015 be referred immediately to the Finance and Public Administration Legislation Committee for inquiry and report by 23 March 2015 (see appendix 9 for a statement of reasons for referral); and

(h) the provisions of the Seafarers Rehabilitation and Compensation and Other Legislation Amendment Bill 2015 be referred immediately to the Education and Employment Legislation Committee for inquiry and report by 23 March 2015 (see appendix 10 for a statement of reasons for referral).

3. The committee resolved to recommend—That the following bills not be referred to committees:
   • Aboriginal and Torres Strait Islander Peoples Recognition (Sunset Extension) Bill 2015
   • Australian River Co. Limited Bill 2015
   • Defence Trade Controls Amendment Bill 2015
   • Limitation of Liability for Maritime Claims Amendment Bill 2015
   • National Vocational Education and Training Regulator Amendment Bill 2015
   • Offshore Petroleum and Greenhouse Gas Storage Amendment (Miscellaneous Matters) Bill 2015
   • Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment (Miscellaneous Matters) Bill 2015
   • Tax and Superannuation Laws Amendment (2014 Measures No. 7) Bill 2014
   • Excess Exploration Credit Tax Bill 2014.

The committee recommends accordingly.

4. The committee deferred consideration of the following bills to its next meeting:
   • Australian Centre for Social Cohesion Bill 2015
   • Competition and Consumer Amendment (Australian Country of Origin Food Labelling) Bill 2015
   • Corporations Amendment (Publish What You Pay) Bill 2014
   • Customs Amendment (Anti-dumping Measures) Bill (No. 1) 2015
   • Customs Tariff (Anti-Dumping) Amendment Bill 2015
   • Defence Amendment (Fair Pay for Members of the ADF) Bill 2014
   • Defence Legislation Amendment (Parliamentary Approval of Overseas Service) Bill 2015
   • Motor Vehicle Standards (Cheaper Transport) Bill 2014
   • Safety, Rehabilitation and Compensation Legislation Amendment (Exit Arrangements) Bill 2015
   • Social Security and Other Legislation Amendment (Caring for Single Parents) Bill 2014
   • Succession to the Crown Bill 2015.

(David Bushby)

Chair
5 March 2015

APPENDIX 1

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee:

Name of Bill:
   • Australian Border Force Bill 2015
   • Customs and Other Legislation Amendment (Australian Border Force) Bill 2015
Reasons for referral/principal issues for consideration:
Determine the impact the Bill will have on the Immigration Department and the Australian Customs and Border Protection Service.

Possible submissions or evidence from:
- Australian Customs and Border Protection Service
- Department of Immigration and Border Protection
- Human Rights Law Centre of Australia
- Law Council
- Refugee and Immigration Legal Centre

Committee to which the bill is to be referred:
- Senate Legal and Constitutional Affairs Legislation Committee

Possible hearing date(s):
4-8 May 2015

Possible reporting date:
- May 2015

(sign)
Senator Siewert
Whip/Selection of Bills Committee Member

APPENDIX 2

SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee:

Name of Bill:
- Australian Border Force Bill 2015
- Customs and Other Legislation Amendment (Australian Border Force) Bill 2015

Reasons for referral/principal issues for consideration:
To further investigate potential impacts of the bill.

Possible submissions or evidence from:
- Australian Customs and Border Protection Service
- Department of Immigration and Border Protection
- Law Council
- Community and Public Sector Union

Committee to which the bill is to be referred:
- Senate Legal and Constitutional Affairs Legislation Committee

Possible hearing date(s):
Determined by Committee

Possible reporting date:
- 7 May 2015
APPENDIX 3

SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee:
Name of Bill: Corporations Amendment (Financial Advice) Bill 2014
Reasons for referral/principal issues for consideration:
Successive reports of misconduct in financial advice sector related, in part, to the provision of
general advice (e.g. NAB, CBA).
It is not yet clear if FOFA – a relatively new piece of legislation—is adequately addressing issues
related to general advice.
Possible submissions or evidence from:
Consumer advocates
Financial advice sector
Banks and other financial institutions
Government agencies (e.g. ASIC, CAMAC)
Committee to which the bill is to be referred:
Senate Economics Legislation Committee
Possible hearing date(s):
20-21 April 2015 (flexible)
Possible reporting date:
11 August 2015 (flexible)
(signed)
Senator Siewert
Whip/Selection of Bills Committee Member

APPENDIX 4

SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee:
Name of Bill: Landholders’ Right to Refuse (Gas and Coal) Bill 2015
Reasons for referral/principal issues for consideration:
Giving landholder the right to refuse coal and gas activity on their land, ban on hydraulic fracturing.
Possible submissions or evidence from:
Lock the Gate Alliance, other community and grassroots environment groups, Department of
Environment, landholders affected by coal and gas, traditional owners affected by coal and gas.
Committee to which the bill is to be referred:
   Senate Environment and Communications Legislation Committee

Possible hearing date(s):
   July 2015

Possible reporting date:
   7 August 2015

(signed)
Senator Siewert
Whip/Selection of Bills Committee Member

APPENDIX 5
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee:

Name of Bill:
   Migration Amendment (Maintaining the Good Order of Immigration Detention Facilities) Bill 2015

Reasons for referral/principal issues for consideration:
   To further investigate potential impacts and unintended consequences of the Bill

Possible submissions or evidence from:
   Department of Immigration and Border Protection
   United Nations High Commissioner for Refugees
   Australian Human Rights Commissioner
   Law Council of Australia

Committee to which the bill is to be referred:
   Senate Legal and Constitutional Affairs Legislation Committee

Possible hearing date(s):
   Determined by Committee

Possible reporting date:
   12 May 2015

(signed)
Senator McEwen
Whip/Selection of Bills Committee Member

APPENDIX 6
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee:

Name of Bill:
   Migration Amendment (Maintaining the Good Order of Immigration Detention Facilities) Bill 2015
Reasons for referral/principal issues for consideration:
Determine the implications of the Bill on asylum seekers detained in Australia's immigration detention centres.

Possible submissions or evidence from:
Amnesty International Australia
Human Rights Law Centre
Law Council
Refugee Council of Australia
Refugee and Immigration Legal Centre

Committee to which the bill is to be referred:
Senate Legal and Constitutional Affairs Legislation Committee

Possible hearing date(s):
12 May 2015

Possible reporting date:
4 June 2015

(signed)
Senator Siewert
Whip/Selection of Bills Committee Member

APPENDIX 7
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee:

Name of Bill:
Migration Amendment (Strengthening Biometrics Integrity) Bill 2015

Reasons for referral/principal issues for consideration:
To further investigate potential impacts of the Bill.

Possible submissions or evidence from:
Australian Customs and Border Protection Service
Department of Immigration and Border Protection
Law Council of Australia

Committee to which the bill is to be referred:
Senate Legal and Constitutional Affairs Legislation Committee

Possible hearing date(s):
Determined by Committee

Possible reporting date:
12 May 2015

(signed)
Senator McEwen
Whip/Selection of Bills Committee Member
APPENDIX 8
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee:
Name of Bill:
   Private Health Insurance Amendment Bill (no. 2) 2014
Reasons for referral/principal issues for consideration:
   To better understand the impact of the proposed merger, especially in light of the limited feedback from external stakeholders. In particular, to understand the impact of some powers that will not be transferred to the Commonwealth Ombudsman including the ability for the Minister to refer complaints or instruct the Ombudsman conduct an investigation, as well as changes to penalties under the Act.
Possible submissions or evidence from:
   Consumers Health Forum, HIRMAA, Public Health Association of Australia, Private Healthcare Australia, private health insurers, Australian Healthcare and Hospitals Association, Department of Health.
Committee to which the bill is to be referred:
   Senate Community Affairs Legislation Committee
Possible hearing date(s):
   To be determined by the Committee
Possible reporting date:
   12 May 2015
(signed)
Senator McEwen
Whip/Selection of Bills Committee Member

APPENDIX 9
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee:
Name of Bill:
   Public Governance and Resources Legislation Amendment Bill (No. 1) 2015
Reasons for referral/principal issues for consideration:
   To ensure complete understanding of impact of some measures contained in the bill.
Possible submissions or evidence from:
   Department of Finance
   Australian National Audit Office
Committee to which the bill is to be referred:
   Senate Finance and Public Administration Legislation Committee
Possible hearing date(s):
   To be determined by the Committee
Possible reporting date:
   23 March 2015
(signed)
Senator McEwen
Whip/Selection of Bills Committee Member

APPENDIX 10
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee:
Name of Bill:
   Seafarers Rehabilitation and Compensation and Other Legislation Amendment Bill 2015
Reasons for referral/principal issues for consideration:
   To ensure thorough scrutiny of the impact of the bill on the industry.
Possible submissions or evidence from:
   Department of Employment
   Relevant industry and employee associations
   Relevant employers
Committee to which the bill is to be referred:
   Senate Education and Employment Legislation Committee
Possible reporting date:
   March 23rd 2015
(signed)
Senator McEwen
Whip/Selection of Bills Committee Member

BUSINESS
Rearrangement
Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (11:53): I move:
   That—
   (a) the following government business orders of the day be considered from 12.45 pm today:
      No. 2 Aboriginal and Torres Strait Islander Peoples Recognition (Sunset Extension) Bill 2015
      No. 3 Offshore Petroleum and Greenhouse Gas Storage Amendment (Miscellaneous Measures) Bill 2014
      Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment (Designated Coastal Waters) Bill 2014
      No. 4 Defence Legislation Amendment (Military Justice Enhancements—Inspector-General ADF) Bill 2014; and
   (b) government business be called on after consideration of the bills listed in paragraph (a) and considered till not later than 2 pm today.
   Question agreed to.
Rearrangement

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (11:54): I move:

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

(a) general business notice of motion no. 624 standing in the names of the Leader of the Palmer United Party in the Senate (Senator Lazarus) and Senator Wang relating to coal seam gas; and

(b) orders of the day relating to documents.

Question agreed to.

NOTICES

Postponement

The following items of business were postponed:

General business notice of motion no. 633 standing in the name of Senator O’Sullivan for today, relating to country of origin labelling rules, postponed till 16 March 2015.

DOCUMENTS

Forced Adoption

Tabling

Senator SIEWERT (Western Australia—Australian Greens Whip) (11:55): by leave—I table a document from the Grandmothers Against Removals around the International Criminal Court.

MOTIONS

Animal Welfare

Senator RHIANNON (New South Wales) (11:55): I move

That the Senate notes:

(a) the Australian Broadcasting Corporation’s *Four Corners* program, ‘Making a Killing’ aired on 16 February 2015, exposed the abhorrent cruelty in parts of the greyhound industry and the horrific use of terrified live animals as live bait to ‘blood’ greyhounds in training;

(b) the extensive work of Animals Australia, Animal Liberation Queensland, and many others on this program;

(c) the entire Board and the CEO of Greyhound Racing New South Wales have been stood down;

(d) the Tasmanian Parliament will shortly vote on a joint house parliamentary inquiry into Tasmania’s greyhound industry;

(e) that if the provisions of the Criminal Code Amendment (Animal Protection) Bill 2015 were enacted the program ‘Making a Killing’ could not have been made; and

(f) that self-regulation of the industry is clearly not working.

Question agreed to.

Coal Seam Gas

Senator WATERS (Queensland) (11:56): I move:

That the Senate—

(a) notes that:
(i) the Victorian National Party announced in February 2015 that they ‘support landowners having the right to say no to coal seam gas extraction activity on their land’;

(ii) the National, Liberal and Labor parties voted down the Greens’ Landholders’ Right to Refuse (Gas and Coal) Bill 2013 in March 2014, a bill which would have given landholders the right to say no to coal seam gas extraction activity on their land, and

(iii) the Greens re-introduced the Landholders’ Right to Refuse (Gas and Coal) Bill on 4 March 2015; and

(b) agrees that landowners anywhere in Australia should have the right to say no to coal seam gas extraction activity on their land.

**Senator FIFIELD** (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (11:56): I seek leave to make a short statement.

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

**Senator FIFIELD**: The development of onshore resources is primarily an issue for the relevant state or territory. The Australian government meets its obligations under the EPBC Act. This government supports the responsible development of resources based on scientific evidence, with the involvement of local communities and appropriate environmental safeguards. This government has always been clear about its three principles for the development of resources. These are that access to agricultural land should only be done with the farmers’ agreement and that farmers should be fairly compensated, that there must be no long-term damage to water resources used for agriculture and local communities and that prime agricultural land and quality water resources must not be compromised for future generations. In practice companies do not enter land without the agreement of the farmer or landholder. The best outcomes can be achieved where resource companies work cooperatively with landholders to negotiate land access agreements that balance all interests.

The Senate divided [12:01]

(The Deputy President—Senator Marshall)

Ayes ..................... 15
Noes ..................... 30
Majority ................. 15

**AYES**

Di Natale, R
Lazarus, GP
Madigan, JJ
Muir, R
Rice, J
Wang, Z
Wish-Wilson, PS
Xenophon, N

Hanson-Young, SC
Ludlam, S
Milne, C
Rhiannon, L
Siewert, R (teller)
Waters, LJ
Wright, PL

**NOES**

Back, CJ
Bilyk, CL
Bushby, DC
Collins, JMA
Day, R.J.

Bernardi, C
Bullock, J.W.
Colbeck, R
Dastyari, S
Edwards, S

CHAMBER
Pensions and Benefits

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:04): I move:

That the Senate calls on the Minister for Social Services (Mr Morrison) to give some certainty to young people and their families, and the Department of Social Services, by announcing That the Government's earn or learn measure that would see young people denied social security payments for 6 months of the year is dead, buried and cremated.

Senator Fifield: I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (12:04): The government will not be supporting this motion. As Minister Morrison has previously said, every measure that is on the table in the Senate remains on the table. I reiterate that if the Australian Greens would like to take this measure off the table then they should put forward a fully costed and offset-funding proposal to replace it.

Question agreed to.

Road Safety

Senator RICE (Victoria) (12:05): I move:

That the Senate—

(a) notes:

(i) the tragic death of a cyclist in Melbourne on Friday, 27 February 2015 involving a 'car dooring' incident,

(ii) the work of Australian cycling advocates in hosting the Australian Bicycle Summit at Parliament House, in the week beginning 1 March 2015, calling for infrastructure, safety and health measures that will increase the number of Australians cycling,

(iii) the importance of cycling as a healthy, clean and efficient mode of transport for Australians of all ages, and

(iv) the National Cycling Strategy endorsed by ministers in 2010, which aims to aims to double the rate of participation in cycling between 2011 and 2016; and

(b) calls on the Government to follow the lead of the United Kingdom Government which recently adopted a national walking and cycling investment strategy, including specific time bound objectives and funding allocated to achieve those objectives.
Senator Fifield: I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (12:05): The government shares Senator Rice's concern for cycling safety and does note the tragic death of the 25-year-old cyclist in Melbourne. Similarly, the Abbott government welcomes the work of Australian cycling advocates, many of whom visited Canberra this week for the Australian Bicycle Summit and the Big Canberra Bike Ride.

However, under the federal system the Commonwealth has a particular role in planning. Senator Rice needs to recognise the division of labour between the jurisdictions and the significant investment in infrastructure that the Commonwealth makes, a proportion of which is already in place to support cycling paths. The government cannot support this motion, but there are significant investments delivered in our commitment to reduce the road toll and support the development of bicycle paths.

Question agreed to.

Membership of Political Parties

Senator DAY (South Australia) (12:06): I, and on behalf of Senators Leyonhjelm, Muir, Lazarus and Wang, move:

That the Senate welcomes the diversity of voices represented by minor parties and independents in the Senate.

Question agreed to.

BILLS

International Aid (Promoting Gender Equality) Bill 2015

First Reading

Senator RHIANNON (New South Wales) (12:08): I move:

That the following bill be introduced: A Bill for an Act to promote gender equality in the provision of international aid by the Commonwealth, and for related purposes.

Question agreed to.

Senator RHIANNON: I present the bill and move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator RHIANNON (New South Wales) (12:08): I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—
I am very happy to speak today in support of the Greens Bill, the International Aid (Promoting Gender Equality) Bill 2015. If passed, this Bill would help to put Australia’s aid program back on track. The measures set out in this legislation give guidance to an aid program which has lost its way in terms of funding and purpose.

An important aspect of the Bill is that it requires the Minister to report on how funds were spent, and how these funds help to promote gender equality. The assumption that simply increasing economic activity will benefit people in low income countries fails to recognise the specific historical and cultural bases for gender inequality.

The measures set out in this Bill are needed to help recalibrate Australian aid to meet the needs of women and girls in low income countries. In some cases, projects with the simple aim of increasing economic activity may actually exacerbate gender inequality.

This Bill seeks to make the Minister accountable. It clearly sets out that those who determine how our aid money is spent must take into account how specific projects will help reduce gender inequality.

I have been involved with the aid sector for over two decades, and it has been a sad journey to see the direction taken by both the Labor and Coalition governments in recent years. This year, however, has been one of the most disturbing. Off the back of the biggest cuts to the aid budget in history, and the subsuming of AusAid into the Department of Foreign Affairs and Trade, there has been a lot of talk about the importance of gender equity in relation to aid. Minister Julie Bishop speaks with passion about the needs and rights of women and girls in low income countries. She claims gender equality as one of the key tenets of her approach to aid.

Minister Bishop’s own words underline why this Bill should be passed. In a booklet produced by the Department of Foreign Affairs, she states:

‘The Australian Government gives priority to gender equality and women’s empowerment in our foreign policy and in our overseas aid program. We recognise that one of the best ways to promote economic growth and to achieve stronger communities and societies is to empower women and girls.’

In a 2011 address to the Committee for Economic Development of Australia, Minister Bishop said:

‘I believe that as more women around the world take on leadership positions – in their communities, countries, across continents – the impact of female leadership will be profound.’

In 2012, Minister Bishop was quoted as saying:

‘Report after report, survey after survey, indicates the absolute truth that investment in gender equality yields the highest returns of all the development investment we can make.’

Early this year, discussing the impact of the aid cuts on gender equality, Minister Bishop told the Sydney Morning Herald:

‘I will continue to work closely with Australia’s Ambassador for Women and Girls, Natasha Stott Despoja, to ensure the challenges facing women are addressed.’

This is the opportunity for Minister Bishop and the Coalition to back up these public claims and ensure women and girls in low income countries are not left with a few photo opportunities and pages of rhetoric to show for the years of a Coalition government. This Bill is intended to ensure that the little aid money we have is spent to benefit the most vulnerable.

There is a great deal of research on the need for aid to be focussed on community based outcomes with a particular emphasis on women and children. Minister Bishop clearly has many who agree with her on this issue. However, there is a major flaw in the Minister’s position as her comments go hand in hand with the policy that Australian aid must deliver for our national interest. Blind faith in the marketplace cannot close the gender gap in low income countries.
The Australian government's policy shift from poverty alleviation to the national interest being the key driver of Australia's overseas aid is just the 1990s trickle-down theory of economic growth with a new coat of rhetoric.

In some regions of the Pacific, the prominence of the informal sector, male dominance and domestic violence are real barriers that prevent women (and often their children) benefiting from aid and development programs. Aid programs need to be culturally sensitive, and they need to have active participation of women in their design and implementation. That is the focus of this legislation.

As we reach the end point of the Millennium Development Goals it is timely to note that there have been a number of problems with reaching the third goal, which is to promote gender equality and empower women. This Bill encourages a twin track approach to this problem. It encourages those responsible for the aid budget to address gender inequality through specific programs, as well as ensuring that all programs funded by the department, which may focus on more general aims, will also help reduce gender inequality. By ensuring that any assessment of programs for which we provide aid funding will improve gender equality, we will be making a real commitment to this issue.

It is well-known that women disproportionately bear the cost of the problems of poverty. The International Women's Development Agency has provided some startling information to the recent Senate Inquiry on our aid budget. They noted that the Pacific has the highest incidence of violence against women in the world. In some of these nations, more than 60% of women who have ever been married have experienced physical or sexual violence from a partner. These statistics are a terrible burden for the women, and they are also a cost for their economies in terms of lost income from work absences as well as health. The solutions to this problem are complex, but in particular they need to be addressed through community engagement and women's empowerment.

A starting point would be to increase women's access to education. As we know the ability to access education is hampered by both costs as well as cultural expectation. Twice as many girls as boys fail to attend school. Among illiterate adults there are twice as many women as men. When women are as well educated as men, they have greater self-esteem and greater potential to contribute economically. Gender gaps in education are estimated to cost the Asia and Pacific region up to US $30 billion a year. This Bill would encourage the department to fund aid projects which will increase women's education, offering them a stronger base for participation in both the workforce and the community.

We know, too, that there are problems in developing communities relating to women's access to resources. Turning again to the International Women's Development Agency, their analysis says that if women had the same access to productive resources as men, farm yield could be improved by 20-30%. If women were to work in the same types of jobs as men, average output would be 7-18% higher. There are further benefits from women's participation in the economy, which is that when women earn more money, there is a stronger flow on to improvements in children's health than if the same money were being earned by a man.

But as women enter these arenas, ongoing support is needed. Initiatives supporting women in leadership and peer mentoring programs are crucial to assisting this. These must always, however, be carried out in partnership with the women, and empowering them to take control. This is where Australia's aid programs have a key role to play.

There are many such excellent initiatives that are already being funded by the government, such as the Pacific Women Shaping Pacific Development and the 'We Rise' programs in Fiji. This Bill would encourage more of these types of initiatives that are guided by the recipients themselves.

It is important to note that improving the outcomes for women and girls is extremely unlikely to happen unless it is specifically prioritised and funded. By contrast, we have seen under both Labor and Coalition governments that cuts to the aid budget disproportionately impact on programs that are aimed at assisting women. Under Labor in 2013, 61% of the $375.1 million that was cut from the aid budget came from programs affecting women.
The massive cuts we have just seen under the Coalition are shaping up to be even worse. While Minister Bishop made claims that we would have 'a generous aid program that puts Australia among the top 10 donors in the OECD world', we are now, according to the Australia Council for International Development, a paltry 19 out of 28.

A recent analysis by Plan International has uncovered shocking figures on the impact of these cuts. In terms of education, they say there could be 220,000 fewer girls enrolling in school in the next financial year; 750,000 fewer textbooks for girls; and more than 3000 fewer classrooms built or renovated. 150,000 girls are at risk of having access to safe drinking water cut off, and 400,000 fewer girls may be immunised.

There can be no doubt, for all of Ms Bishop's talk, the Coalition are not looking after women and children in poorer nations.

The Coalition's concept of 'economic diplomacy' both normalises the idea that aid should be used to advance the interests of the donor country as well as implying that economic objectives will help everyone in the recipient nation.

Part of this platform includes an increased focus on 'aid for trade' programs. Minister Bishop and other government and often opposition spokespersons assert that trade between nations will help alleviate poverty. This is the trickle down theory and the backers of this flawed policy are hard pressed to find evidence to support this claim. As Anna Gero, a senior research consultant at Sydney's University of Technology, has noted, these macro interventions are not aimed at helping the poorest members of these nations. Rather, they are aimed at those who are already active in the economy.

For women, who in many of these nations contribute outside of the formal economy, these initiatives have very little benefit. How, then, do we make sense of these two apparent priorities? We have the government claiming on one hand that gender equality is a priority and on the other that aid for trade is a cornerstone of our new economic paradigm. There is a distinct lack of clarity and lack of transparency here. This is why this Bill is so important.

We should note that there is very little evidence that just raising the economic bar will help women, as seems to be presumed by the Minister. To give a specific example, we can look to India. The economic reforms begun in India in 1991 under the umbrella of 'modernisation' were also aimed specifically at economic growth. But what we see in India is that while they have had growth, the historical and cultural differences embedded in the caste system are not overcome by this.

Indeed, the push towards economic liberalisation and its concurrent reduction in the public sector as well as welfare provisions further entrench gender inequality. Rachel Kurian, an Assistant Professor at Erasmus University reports that research released in 2012 on the Dalit women has shown that issues related to caste and patriarchy have been made worse through this process. So the assumption that increased economic activity will help everyone is highly problematic. Put simply, the problems women face are not only economic, they are complex and require careful, participatory solutions that are more than simply an increase in economic activity.

For example, let us look at the Mining for Development initiative. This initiative, set up by the Gillard government in 2010, is theoretically aimed at helping developing countries become 'safer' 'miners'. It opens up developing nations to the Australian mining industry, as well as funding research which is aimed essentially at greenwashing the impact of mining. This occurs in the face of widespread local opposition to mining.

Of deep concern is that we seem to have not learned any lessons from the past. I note that Australian aid money is being used to assist Rio Tinto in reopening the Panguna mine in Bougainville. This mine has an extremely dark history. The Bougainville people suffered land appropriation, the poisoning of their rivers and worse. When villagers resisted in 1989 the PNG military responded. Citizens faced years of horrifying attacks involving internment camps, aerial bombing, assassinations and rape.
Children were killed by mortar attacks. There was a blockade on humanitarian assistance. Rio Tinto and some Australian authorities have been linked with these crimes.

The actions of Rio Tinto on Bougainville and Australia’s role in the Panguna mine have been to the detriment of women and girls on that island. Minister Bishop’s fine words cannot change this harsh reality.

Again under this Coalition government Australia is assisting Rio Tinto. Women there, however, are resisting this move and have set conditions on the reopening of the mine which should be met. Papua New Guinea Mine Watch has report that the women have demanded:

- that the mine be 100% owned by the people of Bougainville;
- that Rio Tinto pay compensation for the lives already lost and other outstanding issues including cleaning up the on-going environmental damage; and
- that people displaced by the mine be properly relocated.

These women have learnt about what it's like to be living with a mine owned by a multinational, and they are not going to stand by and let it happen again.

These are some of the issues that Minister Bishop should address if she is concerned about women and girls in low income countries. To turn her fine words on women and girls into meaningful, effective actions the Minister should stand with these women, not with Rio Tinto.

In so many of these places where mining companies barge in, they displace people living off the land and remove their autonomy. And it’s the women and children who suffer most. The women often lose their livelihood, their access to water, their food. Research from the Australian National University has found that the job opportunities in these situations for women were limited, and that the displacement meant they lost their authority in their families. Evidence of any benefits for women from these mining projects are very limited. On the contrary, they destroy local cultures and disempower communities.

This is what we saw with the Cambodia Railway Project, where a $143 million project to repair a railroad in Cambodia forced the relocation of more than 3,000 people. This project was funded by AusAid and the Asian Development Bank. The relocation was a disaster, prompting an investigation by the Asian Development Bank’s Compliance Review Panel. The problems were many. Families were moved 20 to 30 kilometres from their place of employment, access to medicine became a problem, and services were poor.

The Asian Development Bank’s review found that plans to pay special attention to woman-headed families and enact a gender specific consultation program throughout the development simply did not occur. The report suggested these women should also be provided financial compensation for the damage incurred by the project. This project is a shameful mark on the record for Australian aid, and is the exact type of practice that this legislation seeks to avoid. An important aspect of the Bill is the requirement for the Minister to report on how funds were spent, and how these funds helped to promote gender equality. This seeks to make the Minister accountable, in the hope that the types of mistakes made in the Cambodia Railway Project are not repeated.

It is clear from these examples that our aid paradigm is somewhat contradictory. Ahead of International Women’s Day we can see that there is developing agreement around the importance of gender equality. The Greens Bill provides a pathway to remove the contradiction in our aid program and lock in a commitment to gender equality as an essential plank in the country’s aid program.

The current proposed Sustainable Development Goals, which will be agreed upon in September next year, include a demand for women and girls. It states in part: ‘achieve gender equality and empower all women and girls’.
This will require a concerted effort from us all. The Greens Bill now before the Senate represents a significant step to ensuring our words on closing the gender gap become reality. I urge all Senators support this Bill.

5 http://ramumine.wordpress.com/2014/03/29/bougainville-women-set-conditions-that-effectively-block-pangunas-reopening/

Senator RHIANNON: I seek leave to continue my remarks later.

Leave granted; debate adjourned.

COMMITTEES

Membership

The DEPUTY PRESIDENT: Order! The President has received a letter from a party leader seeking a variation to the membership of committees.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (12:09): by leave—I move:

That senators be discharged from and appointed to committees as follows:

Finance and Public Administration References Committee—

Appointed—

Substitute member: Senator Lines to replace Senator Ludwig for the committee’s inquiry into Aboriginal and Torres Strait Islander experience of law enforcement and justice services

Participating member: Senator Ludwig

Health—Select Committee—

Appointed—

Substitute member: Senator Moore to replace Senator McLucas on 12 March 2015

Participating member: Senator McLucas.

Question agreed to.

BILLS

Enhancing Online Safety for Children Bill 2014

Returned from the House of Representatives

Message received from the House of Representatives agreeing to the amendments made by the Senate to the bill.
National Vocational Education and Training Regulator Amendment Bill 2015

First Reading

Bill received from the House of Representatives.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (12:10): I present the bill and move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (12:10): I present the explanatory memoranda and I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

Introduction

A high quality and high status vocational education and training sector is fundamental to a skilled workforce and a productive economy.

The Coalition Government is overhauling the skills and training system with a package of significant reforms that elevate trades and vocational education to the centre of Australia's economy.

It is a sector that is very important to students, to employers, including small businesses, and to this Government.

It is critical that training is providing future employees with the work-ready skills they need for employment, and is also effectively upskilling those already in the workforce.

We are ensuring that training providers and the qualifications they issue are of the highest quality, maintain their relevance to employment outcomes and can operate as efficiently as possible.

This Government is also taking steps to ensure that training providers operate in a modern and responsive regulatory environment.

The National Vocational Education and Training Regulator Act 2011 is the principal piece of legislation that provides the framework for the national regulation of the training sector through the establishment of the national VET regulator, the Australian Skills Quality Authority, known as ASQA.

The Act commenced in 2011 and is enabled by a text-based referral of powers from participating states and the Intergovernmental Agreement for Regulatory Reform in Vocational Education and Training, agreed by all state and territory Ministers.

The bill supports ongoing VET reform measures, including giving ASQA capacity to respond rapidly to emerging issues, allowing ASQA to more effectively target regulation to higher risk registered training organisations, and technical enhancements to facilitate more effective and efficient regulation.

Turning to the specifics of the bill, Schedule one makes amendments to the National Vocational Education and Training Regulator Act. Schedule two presents transitional arrangements for the amendments contained in Schedule one.
Advertising or representing a VET course without identifying the registered training organisation

The bill contains an amendment to improve transparency in the marketing of training. This measure has come about in direct response to the negative impact of marketing by third parties, often referred to as brokers, in the training sector, and in particular in the VET FEE-HELP market.

A potential vocational student should be able to clearly identify the registered training organisation responsible for the qualification they are signing up for. This new provision will require any person advertising or representing a nationally recognised training course, to clearly identify the provider responsible for the qualification in their marketing material.

This amendment will complement requirements in the revised national standards requiring transparent marketing by training providers, including the requirement that third party arrangements are to be covered by a written agreement.

Under the proposed amendment ASQA will be able to pursue anyone, not just training providers, who does not make it clear who is responsible for the quality of the training, and will have access to a broader range of enforcement options.

In line with this amendment, the bill will also clarify the coverage of ‘person’ to include organisations that are constitutional corporations for coverage of the civil penalty and offence provisions in Part 6 of the Act. This will enable ASQA to take action against persons in contravention of provisions such as false and misleading marketing.

Introduce a Quality Standard provision

The bill establishes the capacity for the Minister to make standards in relation to quality in the vocational education and training sector.

It is envisaged that the standard making power will be engaged in circumstances where a quick response is required to emerging issues that affect the quality and integrity of the training sector. The Minister would be expected to consult with employers, training providers and the states and territories, in developing any quality standard.

Adherence to the standard will be a condition of registration for training providers.

This quality standard making power provides the ability to respond more rapidly to emerging issues than current structure allow for, and sends a clear signal that, when required, the Government will take action against those who want to undermine quality in the training sector.

Seven Year Registration

The bill contains an administrative amendment to extend the maximum period of registration from five to seven years.

This amendment will allow ASQA to more effectively target resources to higher risk registered training organisations. It will also cut red tape for consistently compliant registered training organisations, as instead of having to re-register every five years they will only have to go through the process every seven years.

In a further reduction of red tape, it will help align and streamline the regulatory requirement of re-registration for multi-sector providers.

Most importantly, the amendment improves the efficiency of the national regulator, allowing it to redirect regulatory effort away from renewal processes and towards better targeted or more random auditing, compliance and enforcement actions against poor quality providers.

Re-registration based auditing has been identified by ASQA as a less effective approach to quality assurance compared with targeted or random audit activities.
Effectiveness of the national regulator

To improve the effectiveness of ASQA to deal with unscrupulous practices, the bill makes a suite of administrative amendments.

For example, currently the Act only allows the regulator to request information from a regulated registered training organisation, not from persons purporting to be a regulated entity. The bill will correct this situation, and allow the national regulator to request information from persons holding themselves out as a registered training organisation.

The bill will amend the definition of VET information and an information disclosure clause so that ASQA can improve its information sharing with other agencies.

The bill will also streamline processes for issuing written directions by amending the Act to remove the need to first issue a ‘notice of intention’ for written directions, whilst still maintaining natural justice requirements for administrative sanctions.

To ensure timeliness in relation to search warrants, an amendment allows search warrants to be issued by a person employed in a court of a state or territory who is authorised, by law, to issue search warrants.

Other minor administrative measures

Finally, the bill contains a suite of minor administrative amendments that improve the clarity of the Act in relation to reviewable decisions, clarify an immunity from self-incrimination clause, clarify the definition of a registered training organisation, update the definition of Ministerial Council and amend the Act to replace ‘Australian Qualifications Framework’ with ‘VET Quality Framework’.

Conclusion

The amendments contained in the bill continue the Government's work in partnership with students, employers, training providers and the states and territories to reform Australia's national vocational education and training system.

This bill complements quality reforms already undertaken including:

- Introducing tough new National Standards for Registered Training Organisations, which require training providers and their brokers to be upfront with students and provide clear information about any VET-FEE HELP loans, state entitlements and subsidy arrangements that they sign up to, and which make training providers ultimately responsible for services delivered by third parties on their behalf.
- Providing $68 million over four years to bolster the capacity of ASQA to enforce new national Standards.
- Launching a new National Training Complaints Hotline, a joint initiative with the states and territories, to make it easier for students, employers and others with an interest in VET to report, and have actioned, their concerns about quality.

These changes will be further complemented by anticipated reforms to also tackle a number of issues specific to VET FEE-HELP.

These amendments send a strong and unambiguous message to anyone who seeks to undermine VET quality or take advantage of vulnerable students or the taxpayer, that their actions will not be tolerated.

Debate adjourned.
Building and Construction Industry (Improving Productivity) Bill 2013
Second Reading

Debate resumed on the motion:

That these bills be now read a second time.

Senator McKENZIE (Victoria) (12:11): Following Senator Cameron's contribution to these bills yesterday, I have had an opportunity to review the Hansard, and I just want to touch on a couple of assertions, some would say falsehoods—but I will leave that for others to decide—of some of the contributions throughout his debate. His contribution included some glaring omissions, almost to the point of misleading the Senate. In the time remaining, I can only seek to correct the record and address two of the said half-truths.

The first relates to Senator Cameron's misleading assertion—and I go to the Hansard—that the proposed ABCC compulsory powers:

… are usually reserved for criminal investigation and national security agenda.

That is just simply false. It has been made clear time and time again as we have reviewed and reviewed and reviewed this area through the education employment committee. The compliance powers being sought are actually already inherent and similar to many of those existing agencies for many, many years. The only time Senator Cameron takes issues with them is when they are actually being used on his thug mates in the CFMEU. That is the only time he is concerned.

The Australian Securities Investment Commission, the Australian Prudential Regulation Authority, the ACCC and the tax office all have compulsory powers to investigate civil conduct. Even Medicare and Centrelink have compliance powers. It is misleading the Senate to suggest that these types of powers are reserved only for criminal investigations. We must not forget that the Fair Work Building and Construction inspectorate under Labor's own laws includes these powers.

What makes Senator Cameron's misleading of the Senate on the compulsory powers so much worse is that he has conveniently forgotten that there are significant safeguards to the proposed ABCC powers. There are greater safeguards for witnesses than other civil agencies, and chief amongst them is that any evidence a witness provides cannot be used against them. It is unfortunate that people in the industry, as I spoke about yesterday, are genuinely fearful of reprisal, both economic and physical, if they are seen to speak out against unlawfulness. Without these powers, the thugs who rule by force would get away with their industrial unlawfulness and bullying. Even Rod Sims from the ACCC made that comment and observation. This is why the powers are so important. Senator Cameron should stop misleading the Senate in defence of the bullies, thugs and standover merchants of the CFMEU.

I also want to go to Hansard page 94, where he touched on the power of entry by inspectors, which is another area I canvassed in my contribution yesterday. He suggested they can enter without a warrant as though it was an expansive and new power. He again, shamelessly, misleads the Senate on the powers of inspectors. The power of authorised
inspectors to enter premises is exactly the same power that is provided to authorised inspectors of the Fair Work Ombudsman. It is exactly the same as to enter premises under the Fair Work Act. It is the same legal test and threshold to enter, without force, to investigate compliance with the law. So what are Senator Cameron’s mates at the CFMEU afraid of—actually being held to account in a similar way as inspectors? It is the height of hypocrisy for Senator Cameron to suggest that this bill is somehow an offence to civil rights and justice for allowing an authorised officer to enter premises and for him to ignore that this is how it has been for many years and how it is currently in Labor’s own Fair Work Act, for the Fair Work Ombudsman inspectors. Senator Cameron is running a pro bono defence of the thugs at the CFMEU—or it is probably not pro bono now, is it?

I just want to go to some of the areas we canvassed earlier in estimates, when again Senator Cameron was arguing the toss. I refer to a Herald Sun front page from Saturday about the bullyboys in the CFMEU. We are worried about needing a tough cop on the beat. The article said:

FWBC—
Fair Work Building and Construction—

has 72 CFMEU officials before the courts, including national secretary Dave Noonan. It has also filed court action against Victorian state secretary John Setka, president Ralph Edwards and vice-president Derek Christopher.

There is a culture of lawlessness within this organisation.

As I said yesterday, those good and true union members and organisers and Labor Party representatives of the union movement should be belling the cat on this. They should be loudly and proudly saying, ‘This is unacceptable behaviour.’ We do need a tough cop on the beat who is going to hold all parties within the building and construction industry to the same standards and therefore give confidence to workers and employers alike that we can get on with building the infrastructure that our great nation needs and that our businesses need that is not going to be subject to overrun and action which causes disruption to businesses which ultimately ends up in workers losing their jobs. We want workers to be employed. We want them to be able to enter workplaces safely. We want inspectors to be able to enter workplaces safety. We look forward to the Greens, who champion workers’ safety, and the Labor Party, indeed, supporting us to bring in tougher measures to ensure equity throughout the building and construction industry and safety for all workers.


Firstly, I would like to point out that there is absolutely no need for a new body. Nor is there anything unique or special about the building and construction industry that separates it from other sectors of our economy. The Fair Work Building and Construction agency already has significant powers to respond appropriately to any unlawful behaviour in the industry—a fact that this bill wilfully ignores. There is no function gap. There is no fair and reasonable function that a resurrected ABCC would provide that would not be supported within current
systems. In fact, the Fair Work Building and Construction agency is working more effectively than the ABCC ever did.

Quite frankly, this is an attempt to restore a failed body that was built on flawed premises in order to demonise construction industry workers and those that represent them. And for the Prime Minister it is clearly the continuation of a very personal vendetta. This can be traced back a very long way, but a pivotal point in time was his 2001 decision, as the then workplace relations minister, to establish the Cole Royal Commission into the Building and Construction Industry. The stated justification was the alleged fraud, criminality and corruption within the building and construction industries, despite there being little evidence of a systemic problem. This commission was then used by the Howard government to provide cover for their plans to establish the ABCC and their reprehensible Work Choices legislation at the same time.

The 'findings'—and, for the benefit of Hansard, I use this word in very big inverted commas—of the commission regarding alleged unlawful and criminal activity are highly questionable. Claims of endemic thuggery, violence and criminal activity in these industries were wildly overstated. Records of referrals to criminal prosecutors and the almost complete absence of successful prosecutions in the decade after the Cole commission report prove how inaccurate this really is. Similarly, this commission made conclusions on the building industry's productivity that were, quite frankly, wrong. At best they were flawed. At worst they were hysterical or absolutely nonsensical or both. They were never justifiable. The truth is that this commission was little more than a political stunt that wasted $66 million of taxpayers' money and failed to produce one single criminal conviction.

Those opposite talk about a return to a 'sensible centre' on industrial relations. Well, the legislation before us today is not sensible; nor is it a moderate centre, by any reading. This is not about fostering cooperative, productive workplaces. It is not about addressing an actual problem. It is about sowing the seeds of fear and division in order to weaken unions and their ability to effectively represent their members. As we well know, the Howard government tried anything they could to smear the reputation of unions, demonise their members and staff and shackle their ability to function effectively. They did this not because there was any inherent problem that needed fixing but because they needed to weaken unions in order to strengthen their own attacks on the conditions and rights of millions of Australian workers.

And, as we know, this government has shown itself to be just the same. Bernard Keane captured the motivations of those opposite perfectly when he said:

The Fair Work Act has delivered significant labour productivity growth and moderate — at the moment, low — wage growth, with industrial disputation far below the average level of the Howard years, suggesting it's not real-world outcomes that the Coalition is concerned about in IR, but business bottom lines.

Never were truer words spoken, because the government know very well that if they can weaken unions then they can keep the money flowing to the top end of town, because that is exactly what happens.

At this point I want to assure you, Mr Deputy President, that this is not just a bold assertion of mine. No, it is backed up by very recent research at the International Monetary Fund. This research shows a link between lower union membership, ballooning CEO wages and increasing inequality. In an article entitled 'Power from the people' in the latest issue of the
IMF's *Finance & Development* journal, researchers Florence Jaumotte and Carolina Osorio Buitron gave a preview of their forthcoming study results. In this article, they note:

… weaker unions can reduce workers' influence on corporate decisions that benefit top earners, such as the size and structure of top executive compensation.

Not only that, but the research shows that income concentration at the top 'can reduce a population's welfare if it allows top earners to manipulate the economic and political system in their favour'. Let's be clear. The IMF is not a body known for its left-wing tendencies. This is not about ideology. This is about the data.

Of course, when you think about it, it is quite obvious. When unions are strong, workers have a better capacity to achieve fair conditions and pay for themselves. When they are weak, workers are left open to exploitation, and there are few checks, balances and protections on disproportionate executive wages and corporate profits. As we all know, inequality is one of the greatest issues facing governments across the globe. Not only does it cast a pall over growth but it also threatens social stability. But it seems that for those opposite growing inequality, and a gaping chasm between the haves and the have-nots, is the natural order of things. Not only do they not seem concerned with addressing this growing global problem, but through their policies—through bills like the ones here before us today—they actually foster and nurture inequality.

With these bills, the government is proposing that the ABCC would have extreme and unnecessary powers—powers that would fundamentally compromise basic civil liberties. ABCC mark 2 could compel ordinary workers to attend secret meetings. Not only that, but they could be threatened with imprisonment in order to get information. They would have no access to legal representation. They would have no right to remain silent. Let's not forget that these are people who have not committed a crime, but they could be treated like criminals. This is the sort of situation you might expect in relation to serious national security threats, or possibly in a dictatorship, but not in the arena of industrial relations.

In fact, in 2007, Professor Ron McCallum described the ABCC's powers as 'similar to aspects of the terrorism laws'. This is very concerning indeed. The proposed laws stand in direct contrast with the basic democratic freedoms such as the presumption of innocence, the right to peaceful assembly, the privilege against self-incrimination, and freedom of expression. This level of brutal legislative force by the state is disproportionate, undemocratic, and highly inappropriate—not to mention very peculiar coming from a party that says it believes in keeping government out of people's lives.

Make no mistake. There is no other worker in the federal system who has this sort of draconian regime imposed upon them, and it is fundamentally undemocratic to impose this on workers in the building and construction industry. What is worse is that this bill would establish a body that goes beyond the original powers of the ABCC, encroaching even further on workers' rights. The Prime Minister has said that the new ABCC would be 'a tough cop on the beat'. I, however, would say Labor's shadow workplace relations minister, Brendan O'Connor, got closer to the truth of the matter when he described the new body as 'an unnecessary workplace bully'.

Those opposite talk about 'improving productivity' and the Prime Minister continues to wheel out the claim that the ABCC led to $6 billion a year in productivity savings. What absolute unbridled nonsense. This particular mistruth comes from a report by Econtech for
Master Builders Australia in 2007. The truth is that Econtech's modelling and the $6 billion figure that came from it have been debunked again and again. Unfortunately, those opposite are so determinedly stuck in the past; so stuck in their determination to shackle unions, that they just continue repeating it, because to do otherwise would make their entire justification for the ABCC fall in a heap. Crikey's Bernard Keane has referred to Econtech as:

... a long-term participant in the Howard government's war against the CFMEU, churning out report after report purporting to demonstrate the need to smash the union and restore productivity.

Mr Keane writes that the phenomenon of consultants producing modelling to back industry claims is not new, but he says:

... Econtech has the rare distinction of producing modelling so dismally awful that a judge slammed them.

On this point Mr Keane is absolutely right. Justice Murray Wilcox looked at the Econtech report and the claims in it that those opposite continue to trot out as part of an inquiry into the building and construction industry in 2009. In this inquiry, Justice Wilcox found that the Econtech modelling which underpins the claims of those opposite is 'fundamentally flawed' and said that it 'ought to be totally disregarded'. He was not the only one. The Queensland government's department of industrial relations and academics from Griffith University also found that the data used by Econtech in its report had been 'not accurately used'.

The $6 billion productivity gain claim was again investigated by reputed fact checker PolitiFact Australia during the recent election campaign. Let's be clear about that. PolitiFact is not funded by the Labor Party or anyone who has the interests of the Labor Party at heart. Labor can't tell PolitiFact what it needs to look at, nor can we tell it what evidence it needs to consider. No, PolitiFact is independent. And PolitiFact found the Prime Minister's $6 billion claim to be 'mostly false'.

Of course, Australians are getting so used to mistruths from the Prime Minister that this will come as no surprise. However, we should never let this become a status quo that we come to accept. We should never stop calling the Prime Minister on his detours from the truth, and we should never ever accept policy that is wheeled in under the guise of these mistruths. Put simply, this is bad policy based on a bad foundation that will have bad outcomes.

The bill was referred to the Senate Education and Employment Legislation Committee in 2013, and the committee reported back in 2014. Unfortunately, this government controlled committee was given only 18 days to call evidence on this complex issue, consider it and table a report in parliament. Submitters only had eight days to make submissions, and only 3½ hours was available for the committee to question witnesses in a public hearing. It seems like a one-sided debate to me. The committee did not even wait for the findings of the Parliamentary Joint Committee on Human Rights and the Senate Standing Committee for the Scrutiny of Bills. As it turned out, both of these committees produced reports which raise serious concerns that the bills would limit, curtail and extinguish a wide range of civil, human and political rights of those working in the building and construction industries. Clearly, the committee was going on limited information, with limited time and, as a result, we must be dubious about the credibility of its findings.

Thankfully, a second committee inquiry was given reasonable time to consider the bill. Thankfully, this committee did take into account the input of the Scrutiny of Bill Committee
and the Human Rights Committee. Thankfully, senators on the committee were able to take the time to properly investigate the issues and undertake three public hearings. Clearly, this second committee had the time, the resources, the information and, more importantly, the will to do a much more thorough job.

This committee found that the government has fundamentally failed to make the case for the re-establishment of the ABCC. It has failed to justify it under either economic or productivity grounds. It has failed to address the very serious incursions on human rights that are contained within this bill. It has failed to mount a reasonable case about why the building and construction industry is so unique that it needs a special body with these draconian powers and penalties. It has also failed to provide adequate assurance that the coercive powers proposed for the new body have sufficient oversight and safeguards, and it has failed to provide a convincing case that the ABCC would improve occupational health and safety in the building and construction industry. For those reasons, Labor believes that the ABCC should not be revived, and I therefore urge senators to vote against this very regressive bill.

**Senator MADIGAN** (Victoria) (12:32): I rise today to speak on the Building and Construction Industry (Improving Productivity) Bill 2013. I will attempt in a short time to outline my thoughts and concerns on this bill. I oppose this bill today because I believe in equality before the law. I do not believe one industry should be singled out simply because of the actions of some of its members, nor do I believe that employer groups should be all put in one basket together. I believe the majority of unionists and employers in this country are reputable, that the reputable employers and reputable unionists should hold the disreputable ones to account.

Undoubtedly, there is corruption in the construction industry, as there is corruption in many other walks of life. There is corruption within the unions but not all of the unions. There is corruption in some employer bodies and businesses. We all too well know that there is corruption in government. What this bill does is single out one industry and say, ‘We are going to target you.’ I believe this approach is unjust and undemocratic.

But, let us be crystal clear. I am not blind to the problems in the building industry. I support measures which seek to deal with corruption wherever it may be. But I will not support any government when it takes such a biased and short-sighted approach. I refuse to target one group—in this case, unions—when others seem to escape this place’s attention. For example, we have seen just how corrupt some politicians can be with the recent ICAC hearings, but we are not calling for a new watchdog for politicians. The form of ICAC, for me, raises many concerns. For instance, if any one of us here in the chamber today were to be called before ICAC and a member of the media is outside the court, immediately it is trial by innuendo. Because you have been called before ICAC, you are guilty until proven innocent. Yet there is no clarification of what happened in ICAC, what you were questioned about and what the outcome was. As we know, there are people on both sides of this chamber who have been subject to this, and in some cases, their political lives have been put into turmoil.

Another example of an area of industry that needs to be looked at is the financial planning industry, and we have had some look at that. There have been inquiries into it, and this has affected people—individuals and families—devastatingly with what has happened to their finances, and that, equally, is corruption and should be looked at seriously. In December last
year in a speech to the National Press Club, ASIC Chairman Greg Medcraft said that he was absolutely appalled by the state of the financial planning industry in this country. He said:

... it's absolutely broken my heart to watch what I see financial advisers have done to people—and what they often continue to do to people.

But it is not the finance industry which the government is pursuing religiously, it is the building industry. I want a body which deals with corruption, but not one which discriminates and only targets workers in one industry. Singling out the construction industry in this case reeks of political opportunism and does not address the issues we are facing more broadly.

This bill would treat one group of workers and a union involved in the construction industry more harshly than their peers in other industries. This is an affront to the idea that all individuals should be treated equally before the law. It is absurd that two individuals should face different sanctions for committing the same infringement just because one works in the construction industry and one does not. But this is exactly what I believe will happen if the government gets its way. This is because there is a large difference between the fines outlined in clauses 49 and 81 of the bill and their equivalents in the Fair Work (Building Industry) Act 2012.

If the measures introduced in this bill are necessary then they should be introduced across the board. Not just unions, but all corporations, government bodies and individuals should face the same level of scrutiny as this bill would place on the construction industry. I would support that 100 per cent. The truth is that that will not happen because the government knows that the measures proposed in this bill are draconian and would not be accepted if applied universally. Taking away the right to silence, coercing testimony and reversing the burden of proof are all measures that have no place in a democratic society. I have confidence in the fair work act—mostly. Does it need some tweaking? I believe it does.

Whilst I am not blind to the problems which do exist in the building industry, I believe these reforms go too far and, some would say, tip the scales too much in favour of some employers. Even if I accepted the argument that this bill would improve productivity—which, by the way I do not think it would—I would still oppose the bill on this principle. There is a disturbing trend emerging from this government, where it seems they are prepared to prioritise doing what is 'productive' over what is in the best interests of the Australian people. I hate to tell the government, but the two are not always synonymous. I refuse to sacrifice the rights of one group of people over another. I ask the government, respectfully, to consider this: when you erode the rights of one you erode the rights of all. We need to think about what we are doing here, because the pendulum may swing such that it may come back and bite us.

Senator SESELJA (Australian Capital Territory) (12:41): I was watching the debate in this place yesterday on the Building and Construction Industry (Improving Productivity) Bill 2013 and the related bill. I guess it is fair to say that I was taken aback by some of the inaccuracies and omissions in the contributions of some senators, including senators Cameron, Lines and Rice. I wanted to go through those, but I do not think there is enough time to adequately address the blatantly misleading representations put forward in those contributions yesterday, so I will deal with only one or two issues as an illustration.

Yesterday, Senator Cameron seemed to suggest that the Productivity Commission had found against the need for an ABCC, and had decided against the legislation currently being debated in its review of public infrastructure. Nothing could be further from the truth. When
talking about the Productivity Commission's report into public infrastructure, Senator Cameron, very conveniently, forgot to mention the recommendations 13.1 and 13.2. These are two crucial recommendations which highlight the need for the ABCC and which in fact give great support to what the government is doing with this current legislation.

So, what were the recommendations of this expert body? First, the Productivity Commission recommendation 13.2 is that the level of penalties for unlawful civil conduct in the building and construction industry needs to be increased. We did not hear that in the contributions from those opposite—from Senator Cameron. Let me repeat that: the Productivity Commission recommendation 13.2 is that the level of penalties for unlawful civil conduct in the building and construction industry needs to be increased—as this bill will do.

I wonder why that is? I wonder why they would have omitted to mention that? Is it because when Labor gave in to the CFMEU directive in 2012 to abolish the ABCC that Labor also reduced the penalties facing the CFMEU for its wrongdoing by two-thirds? How convenient. I wonder what it did for state of compliance with industrial laws in the industry, to make it cheaper for the CFMEU to continue to break the law? Only a matter of weeks after the ABCC was abolished we saw the CFMEU take over the streets of Melbourne, punching police horses and hurling abuse at police and the workers who were trying to get on site and go to work.

What else did the Productivity Commission recommend in 13.2? It said the Australian government should:

... ensure that the specialist regulator has adequate resources to give genuine and timely effect to the enforcement regime.

What else did Labor do to the construction industry regulator when it came into power? It gutted the budget of the ABCC and, later, the budget of the FWBC, so that those regulators could not effectively afford to bring wrongdoers to justice through the courts—further favours for the CFMEU and all at the expense of honest construction workers who want to go to work free from intimidation and thuggery by the construction unions.

But there was another key recommendation by the Productivity Commission which Senator Cameron quite misleadingly forgot to mention in his contribution yesterday, and that is recommendation 13.1, which encouraged all Australian governments to adopt codes and guidelines similar to the framework of the Victorian code of practice, which Labor Premier Daniel Andrews quietly dropped as one of his first acts of CFMEU appeasement upon taking office. Now, I do not want to dwell on the issue of Daniel Andrews, but Daniel Andrews quietly abolished—

Debate interrupted.

Aboriginal and Torres Strait Islander Peoples Recognition (Sunset Extension) Bill 2015
Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator McLUCAS (Queensland) (12:45): I am pleased to speak on the Aboriginal and Torres Strait Islander Peoples Recognition (Sunset Extension) Bill 2015 on behalf of the Labor Party. Labor is committed to pursuing substantive and meaningful change in the
Constitution—change that unites the nation and reflects the hopes and aspirations of Aboriginal and Torres Strait Islander peoples. Australia prides itself on being a place of fairness and equality. However, our nation's founding document is silent on the special place of Aboriginal and Torres Strait Islander peoples. It is an historical wrong that must be made right.

To build the momentum needed for successful constitutional change, an act of recognition to acknowledge the unique and special place of our first peoples was passed with unanimous support through the parliament on 12 March 2013. This is another step in the journey towards constitutional recognition and a reconciled Australia. We have taken giant steps together—the 1967 referendum, the High Court's historic Mabo judgement, former Prime Minister Paul Keating's Redfern speech, the Close the Gap framework, and the Apology—but we have further to go. Bipartisanship is critical for any referendum proposal to succeed, and there needs to be a strong consensus on timing and content. The timing and the nature of the change must involve Aboriginal and Torres Strait Islander leaders as well as the wider community. This bill will maintain the momentum towards constitutional recognition of Aboriginal and Torres Strait Islander peoples as we continue to work together on a proposal for a referendum.

While I have a moment here, I would like to take this opportunity to commend the Lowitja Institute and RECOGNISE Australia for the work they have done to bring together 117 leading non-government organisations that work in the health sector to join up to a commitment to recognise health. It was launched here in Parliament House this morning by Pat Anderson AO, who is the chairperson of the Lowitja Institute, along with Tanya Hosch and Tim Gartrell from RECOGNISE. This commitment was born from a conversation between RECOGNISE and the Lowitja Institute a couple of years ago, I understand, and this launch today is just their first step towards ensuring that the health sector understands that they will be part of closing the gap and that constitutional recognition is also part of the architecture that we need to progress in order to close the gap. So, I do take this opportunity to commend the Lowitja Institute and RECOGNISE for this step forward, and the document and the statement that has been signed by 117 organisations to date, with more to come.

I also have to put on record that Archie Roach sang a very beautiful song, and I had to leave before he finished, because I had another meeting, and I am very disappointed that I did not get to the end of it. But thank you. I commend the bill to the House.
we can achieve that. It is important to have an extension here because, having said that we need to make sure that we have the drive and some vigour in our pursuit of constitutional recognition, I think we do need to take the country along with us, and the other element of that is leadership, which needs to be showing vigour and drive in this debate.

There needs to be a broader debate in the community as well. We know from our experience in referenda in this country that our Constitution is one of the hardest in the world to change, because a double majority is needed to approve change. Of the 44 referenda that have been held since Federation, only eight have been successful. We know some of the essential components that are needed for a successful referendum, and one of those is making sure that we have a lot of broad support and understanding across the community and across the parliament. So, we do need this extension.

I am hoping really, really strongly that we do not need until 2018 to get to that referendum, but, having said that, I think we need to find that fine balance by making sure that we are taking the community along with us in that debate. We have to bear in mind that the '67 referendum did not just happen overnight. There was a long campaign in the run-up to the '67 election and that is what is needed here. There is strong support from some elements of the community, but if we held a referendum today I do not think not enough people in the Australian community would know what we are talking about. They have not been consulted enough yet, nor been engaged in the discussion enough—or even aware of the issue—to understand what some of the options are.

One thing I am certainly very clear about is that if we set a date now, without people actually knowing what the question is, that is a concern to people. I have had that expressed to me on a number of occasions. We need to be getting the question right. This is where the important subtleties come in, if we do not have a question that people feel strongly about and one that makes the issue substantive. That is what I keep hearing everywhere I go—that the question needs to be substantive, and the change needs to be substantive change. We saw just yesterday in the media the issues around nondiscrimination and clause 116A, which the expert panel recommended, being canvassed. Debate is still open on that. Again, this is controversial, and I know that; but we need to be looking at these controversial issues in our discussion. As far as the Greens are concerned at the moment, 116A is not off the table, and I do not believe it is off the table for many people around Australia—both within the Aboriginal and Torres Strait Islander communities and also in the broader Australian community.

Senator McLucas referred to the Lowitja Institute launch this morning. It was perfect timing in terms of expressing the very important link between health and wellbeing and constitutional recognition of Aboriginal and Torres Strait Islander people. They made the point that constitutional recognition is not just symbolism. Although I very strongly believe that symbolism is very important, as well, they are saying it is not just about that. They make the point that there is significant evidence from health research to indicate that being connected to the wider community, having a strong identity and feeling socially supported all have significant positive impacts on health. They make the point that recognition of Aboriginal and Torres Strait Islander people would acknowledge their powerful sense of identity, pride, history and belonging to this land. It would promote opportunities for full participation in all that Australia has to offer and be a significant step towards equity between
Indigenous and non-Indigenous Australia. Those are really powerful statements and they really contribute very significantly to the debate on constitutional recognition. They have launched the RECOGNISE HEALTH initiative to engage the health community in the debate around constitutional recognition. One hundred and seventeen health organisations have signed up to the statement. That is a pretty powerful group of people—health experts—who are saying that constitutional recognition is important for the health of Aboriginal and Torres Strait Islander people. I would certainly recommend to my colleagues that, if you were not able to make it to the launch, you get hold of the material around constitutional recognition and RECOGNISE HEALTH. They have made an excellent four-minute video that has various health experts talking about the importance of constitutional recognition.

This is an important time in our history and in the development of our Constitution and I, for one, believe our Constitution cannot be regarded as being complete until we recognise the people who were the first occupants of this land. That is really important to the document. The document is not a truthful document until we do that. And until we take out the race provisions in the Constitution, I do not believe it properly reflects our country.

This is an important task we have embarked on. We need this additional time; but additional time cannot mean that we stop, or rest, or take it a little bit easy now because we have a little bit more time. Time to talk to the community is really important. Already I have heard from Aboriginal and Torres Strait Islander people that they are distressed about the delay. They do not feel like the leadership is there. If there is concern over the options that have been put up, then where are we going from here?

The joint parliamentary committee has put on the table a number of options. If the government indicates that they do not like those—and we did get some indication from the gala dinner in December that perhaps they do not—then where do we go from here? We need to be having a discussion about what we will accept. I can tell you that the clear message I have received from the community is that it has to be substantive, and there has to be broad support from the Aboriginal and Torres Strait Islander communities.

The debate about sovereignty and treaty—I know that is controversial—is what is being raised. People need to be convinced that those issues are not off the table with constitutional recognition and that constitutional recognition does not undermine those issues. Those are important issues which are still up for debate and I am hoping we can continue that debate, during the time given by the extension of this act, so we can have those discussions. If we do not have those discussions I am very concerned that we will not get broad support for the changes so many people want to the Constitution. And, if you read the information about the importance of constitutional recognition for things like health, that is another reason we need to make sure we change our Constitution. The Greens will be supporting this bill.

Senator LEYONHJELM (New South Wales) (12:59): I rise to oppose the Aboriginal and Torres Strait Islander Peoples (Sunset Extension) Bill 2015. This bill seeks to reaffirm three statements in legislation. I oppose the bill because I believe these three statements should not be in legislation. The first statement is as follows:

The Parliament, on behalf of the people of Australia, recognises that the continent and the islands now known as Australia were first occupied by Aboriginal and Torres Strait Islander peoples.

This is conjecture. Archaeologists make extraordinary discoveries all the time, and one of those discoveries could be that someone made it to Australia before the Aborigines.
Statements like this belong in scholarly research not legislation. Ever since the Enlightenment we have accepted that questions of fact are resolved by evidence not by decree. You cannot legislate a fact. The second statement is as follows:

The Parliament, on behalf of the people of Australia, acknowledges the continuing relationship of Aboriginal and Torres Strait Islander peoples with their traditional lands and waters. This is stereotyping. It is likely that some Aboriginal people do not have a relationship with traditional lands and waters. What is the parliament doing to these people when it asserts that Aboriginal peoples have such a relationship? It is denying their Aboriginality. The third statement is as follows:

The Parliament, on behalf of the people of Australia, acknowledges and respects the continuing cultures, languages and heritage of Aboriginal and Torres Strait Islander peoples. This is divisive. It is likely that some Australians do not respect the cultures, languages or heritage of Aboriginal and Torres Strait Islander peoples. What is the parliament doing to these people when it asserts that the people of Australia respect Aboriginal cultures? It is casting them as un-Australian.

This bill also seeks to reaffirm a commitment to a referendum on constitutional recognition for Aboriginal and Torres Strait Islander peoples. Along with the other reasons, I oppose the bill because I oppose such a referendum and I oppose such constitutional recognition. Each of us can feel that our ancestry is important and each of us can celebrate this ancestry in our own way. Some celebrate ancestors who were here millennia ago; some celebrate ancestors who were on the First Fleet; and some celebrate ancestors who came on a more recent leaky boat. But no-one's ancestry is more important than another person's.

The Liberal Democrats and our sister party in the New South Wales election, the Outdoor Recreation Party, have policies on many issues. But we have no policies specific to Australia's Aborigines and Torres Strait Islanders. That is as it should be. Every human being in Australia is a person, equal before the law. Giving legal recognition to characteristics held by certain persons—particularly when those characteristics are inherent, like ancestry—represents a perverse sort of racism. Although it appears positive, it still singles some people out on the basis of race. This bill offends on many levels. It should not be approved.

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (13:03): The Aboriginal and Torres Strait Islander Peoples Recognition Act 2013, or the act of recognition, will sunset on 28 March 2015. The parliament is working towards a referendum to recognise Aboriginal and Torres Strait Islanders in the Constitution. The sunset extension will ensure that we have the time needed to get it right. Allowing the act to lapse would be a step backwards on the path to recognition of our first peoples and would distract us from the ultimate goal of a constitutional change. This extension will ensure that parliament's recognition of Aboriginal and Torres Strait Islander peoples continues up until that time. The extension is in line with the recommendations of the Aboriginal and Torres Strait Islander Act of Recognition Review Panel's final report, tabled on 19 September 2014. The Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples also recommended an extension to the sunset date, in its progress report of October 2014.

I am actually quite proud to commend the Aboriginal and Torres Strait Islander Peoples Recognition (Sunset Extension) Bill 2015 to the Senate today. I thank the senators for their
contribution to the debate. I would like to particularly acknowledge Senator Siewert's contribution. You have the benefit of wisdom I do not have, in the sense that you are on the committee. I thank you for updating us about your particular views, and I am sure they are, in some ways, a reflection of that committee.

Senator Leyonhjelm, your contribution was, I guess, in some ways, no surprise to me. I mean no offence, but you have a very clinical view to legislation, and I respect that. But I would say to you, Senator Leyonhjelm, that, for those people who have no doubt listened carefully to your contribution, I think in finding a balance one of the things to do is to listen carefully to some of the issues Senator Siewert has uttered. I think it is a reflection of much of the evidence—which I know you are very interested in—of the connection between the health of a demographic of Australians and how these people feel connected to the community. Their mental health can have very deleterious consequences on their lives. In fact, these people often end their lives—factually, based on evidence—far earlier than those who are not in that particular demographic. The evidence shows the connection between the mental health of those people and the number of these people who take their own lives. This is peer assessed evidence and is not conjecture. So if we can, in a minimalist sense, amend our Constitution in a way that assists young boys becoming men and young girls becoming women, I think that is something we should support.

I am very glad that we have worked together in a multipartisan spirit to extend the sunset date of this important legislation as we move closer to a referendum on Indigenous recognition. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (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 SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (13:07): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a second time.

Offshore Petroleum and Greenhouse Gas Storage Amendment (Miscellaneous Measures) Bill 2014

Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment (Designated Coastal Waters) Bill 2014

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator CAMERON (New South Wales) (13:08): These bills are supported by Labor as they are technical amendments that improve offshore petroleum safety and environmental
oversight. The National Offshore Petroleum Safety and Environmental Management Authority, NOPSEMA, was established in January 2012 as part of the Labor government’s response to the Montara wellhead blowout in the Timor Sea in 2009.

The Montara Commission of Inquiry contained 100 findings and 105 recommendations. A key recommendation related to the establishment of a single, independent regulatory body responsible for safety, well integrity and environmental management, and to consolidate functions of the state and Northern Territory authorities. The new regulator created by Labor continues the existing offshore safety role of its predecessor, the National Offshore petroleum Safety Authority consolidated the oversight of well integrity and incorporated the new function of environmental management, previously regulated by the states and the Northern Territory.

Since that time NOPSEMA has continued to independently and professionally regulate offshore safety, well integrity and environmental management. The establishment of NOPSEMA allowed the Australian Government in February 2014 to commence a new streamlined approach for offshore petroleum activities making NOPSEMA the sole environmental regulator for offshore petroleum activities in Commonwealth waters. These arrangements have significantly increased regulatory efficiency in respect of petroleum activities in Commonwealth waters, and delivered clarity and certainty for industry participants.

An audit report released by the Australian National Audit Office in June 2014 found:

NOPSEMA has appropriately integrated administrative arrangements for the new function of environmental management and has established a sound framework for the regulation of the offshore petroleum industry.

It was the former Labor government that commenced the work to implement the changes and there is bipartisan support from the current government in seeing these changes through to completion.

With NOPSEMA’s established track record it is timely that the government is moving amendments to make it easier for the states and the Northern Territory governments to confer occupational health and safety, structural integrity and environmental management functions and powers upon NOPSEMA under their respective legislation in respect of those waters of the sea within their jurisdictional reach.

The proposed amendments to the Offshore Petroleum Greenhouse Gas Storage Act will expand the definition of ‘designated coastal waters’ to include all areas enabling the states and the Northern Territory to confer functions and powers over the widest possible geographic area within their respective jurisdictions.

Labor recognises the important role of NOPSEMA in reducing regulatory burden on industry and the potential to deliver improved regulatory outcomes.

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (13:11): I thank the senators for their contributions and commend the bills to the Senate.

Bills read a second time.
Third Reading

The ACTING DEPUTY PRESIDENT (13:12): 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 SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (13:12): I move:
That these bills be now read a third time.
Question agreed to.
Bills read a third time.

Defence Legislation Amendment (Military Justice Enhancements—Inspector-General ADF) Bill 2014

Second Reading

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

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (13:13): I rise today to speak on Labor’s support for the Defence Legislation Amendment (Military Justice Enhancements—Inspector-General ADF) Bill 2014. This bill continues the bipartisan approach to reforming the military justice system that has been pursued by successive governments. It entrenches the independence of the Inspector-General by separating it from the military chain of command. It also enables the Inspector-General to be used to investigate a broad range of matters as requested by the minister.

This bill seeks to amend Defence legislation in order to enhance the independence, expand the investigative options and enshrine process safeguards in relation to the role of the Inspector-General ADF. It will amend the Defence Act 1903 and will make clear the emphasis on transparency, predictability and accountability in decision making affecting Australian Defence Force members.

The explanatory memorandum makes clear that the Inspector-General ADF mechanism for internal audit and review of the military justice system is independent of the ordinary chain of command. It provides for the minister to direct the Inspector-General ADF to investigate or inquire into a matter concerning the Defence Force. It makes it clear that the Inspector-General ADF may be prescribed investigative functions that relate to a member’s service in the Defence Force other than the military justice system. It makes it clear that regulations can be prescribed that abrogate the privilege against self-incrimination for witnesses appearing before the Inspector-General ADF or inquiry officers appointed by the Inspector-General ADF, as is the case for boards of inquiry and other types of inquiry.

The legislation ensures that testimony given by a witness under any such regulations attracts a statutory bar on that evidence being used against the witness giving it, except in proceedings relating to the giving of false evidence to an inquiry.

The amendments require the Inspector-General ADF to prepare an annual report relating to the operations of the Inspector-General ADF for tabling in parliament; strengthen the independence of the inspector-general by making it clear that where the inspector-general is directed to conduct an inquiry or investigation by the Chief of the Defence Force, the
inspector-general may cease the inquiry or investigation if the inspector-general forms a belief that the continuation of the inquiry or investigation is not otherwise warranted, having regard to all the circumstances.

By separating the inspector-general from the military chain of command, the bill ensures that the inspector-general cannot be forced or ordered down an avenue that he or she considers inappropriate. This greater independence provides our Defence Force the ability to investigate failures or flaws in the military justice system and administrative processes as well as incidents, with greater confidence in the integrity, reliability and independence of its investigations.

The transparency and accountability of the inspector-general will be improved through the requirement for an annual report. This bill, more generally, goes to the ever evolving and more open culture of the Australian Defence Force and continues the ongoing process of reform of military justice and defence personnel administrative processes. Labor supports this bill.


Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Sterle) (13:17): 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 SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (13:17): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Building and Construction Industry (Improving Productivity) Bill 2013


Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator LUDWIG (Queensland) (13:17): The Building and Construction Industry (Improving Productivity) Bill 2013 seeks to re-establish the Australian Building and Construction Commission. Let us call it the ABCC; they want to re-name it with a fancy new title but it is the still the same old entity that Labor fought hard to abolish in 2012. This is just one of a number of bills the coalition is seeking to push through the Senate that hark back to
the days of WorkChoices. This is not a revival we are having here. Those on the other side, though: you would think they were at a revival meeting. They ought to start clapping when these bills come in, because that is exactly what they are doing. These bills seek to re-establish WorkChoices by another name.

The ABCC re-established under this bill will have significantly broader powers than its 2005 incarnation. In 2005, the ABCC was created to investigate breaches of and to enforce federal industrial law in the building and construction industry. As bad as that was, back then the extreme powers granted to the ABCC were normalised, let us say, by WorkChoices. But in 2015 there is nothing for this bill to hide behind. It cannot be compared and put with all the other awful industrial relations legislation that this government was serving up with WorkChoices.

The Abbott government's determination to force a return of the ABCC only shows, quite frankly, that Mr Abbott is capable of misleading again. He said it was 'dead, buried and cremated'. But I think he had his fingers crossed behind his back because he really went on to say, 'We can't guarantee that new bills won't come back.' The Abbott government want to bring back WorkChoices. It is in their DNA. But they do not want to tell the Australian people that because they know how negatively that impacts upon the punters out there. So what they are doing is bringing back, slice by slice, industrial relations legislation that is aimed squarely at removing the rights of workers at the workface. Mr Abbott claims that his workplace policies will return the industrial relations pendulum back to the 'sensible centre'. No matter how many times he uses that phrase—let us be honest: he likes repeating himself twice—it does not make it true. It does not make it true one bit. Demonising construction employees and their representative bodies could not be further from sensible. Its powers will be extreme and unnecessary and will compromise civil liberties.

Fair Work Building and Construction, established by Labor, already has sufficient powers to deal with unlawful behaviour in the industry—not to mention the Australian Crime Commission, the Australian Federal Police, and state police are well equipped to deal with any crimes committed in the workplace, whether it be by an employer, an employee or a union delegate. No-one condones bad behaviour by unions, employers or employees at the workplace. But Labor asks: why do you need a special power for this industry?

It was Mr Abbott who called for the Cole royal commission in 2001—a royal commission to investigate supposed criminality, fraud and corruption within the building and construction industry. Despite the widespread allegations which I suspect they, like Senator Abetz in here, pump up—a bit of buffery does not hurt—it did not lead to one criminal prosecution and was simply another political stunt at the expense of taxpayers. In response the coalition established the ABCC regardless of it having no role in investigating crime, which is most obviously a matter for the police.

But let's put the politics aside for a moment. There is no denying the damning statistics concerning workplace injuries and deaths that occur under the watch of the ABCC. There were 36 fatalities in the construction industry in 2007-08, twice as many as in 2004-05, immediately before the ABCC commenced operations in late 2005. During the years of the ABCC construction became the industry with the highest number of deaths. I think it is a confronting figure. If you are going to spend any time looking at how you assist the workplace, if you look at how you are going to improve productivity and ensure there would
be a safe place of work, this is the statistic you would most closely look at and figure out how to reduce.

Although, as I have said, these figures are confronting, they are not one bit surprising. The biggest issue facing the industry has always been poor workplace safety. In this area where unions are bullied out of workplaces, occupational safety will diminish and lives will be put at risk by companies that put their own financial interests before the wellbeing of their employees. If you do not think that is true—if you think I am stretching the truth here—the statistics do not lie. Unfortunately, it is the case where you will have companies that will cut their corners to achieve an outcome and put workers' lives at risk.

The ABCC will not be the sensible tough cop on the beat that Mr Abbott promises; it will be an extreme and unnecessary workplace bully. What is also concerning is that the ABCC in its previous form was found to be in breach of the international labour organisation conventions, which this country has ratified. This is a government that is, effectively, snubbing its international obligations in favour of its big friends at the big end of town. You could only imagine the destructive effect the new ABCC will have with even more expansive powers than the last. It will just continue the coalition attack on workers' rights and entitlements. This bill will remove the safeguards that currently exist under the Fair Work (Building Industry) Act 2012 on the use of coercive powers, including the requirement of a person to give information, produce documents and attend an interview to answer questions. The ABCC will have powers to compel Australian workers to be subject to backroom interviews, denied legal representation and threatened with imprisonment for refusal to cooperate. These are unfettered powers where workers will not have the right to silence and are denied the right to be represented by a lawyer of their choice. When you listen to them, you hear how excessive, unwarranted and undemocratic they really are.

This is a Work Choices in disguise. It is, quite frankly, a poor disguise. It is a case for this government to go back to the future with the ABCC. This bill will further extend its reach into picketing, offshore construction and the transport and supply of goods to building sites. Not content with just attacking the building industry, it wants to expand its powers into offshore construction and the transport and supply of goods to building sites without any clear evidence that there is an issue that needs to be addressed other than the stupid rhetoric from those opposite that 'There must be a problem if I say it.'

There are no prohibitions that exist on picketing under any previous or existing legislation. This bill creates the new offence of engaging in or organising an unlawful picket, punishable by fines of $34,000 for an individual or $170,000 for a body corporate. To be unlawful, the picket must both restrict access to a work site and be motivated by the purpose of supporting or advancing claims against a building industry participant in respect of the employment of employees. It will also be unlawful if it is motivated by the purpose of advancing industrial objectives of the building association. The new powers aimed at stopping picket reverse the onus of proof in relation to reasons for actions and the ABCC commissioner to the defendant. To escape harsh penalties, the individual or body corporate must prove they were not motivated by an industrial objective.

In fact, when I listen to that, it reminds me of the Joh era in Queensland, where they banned street marches, where they banned people's right to protest against the awful practices that that government was doing. That was in the eighties. This is a government that looks
stuck there as well, and I am sure Mr Abbott would think Joh Bjelke-Petersen was a hero. Quite frankly, we are well rid of people like that.

This bill will also extend the ABCC’s jurisdiction offshore to as far as Australia’s exclusive economic zone. It wants to go fishing, by the look of it, in waters above the continental shelf including resources platforms and ships in the EEZ or those waters and also on Christmas and Cocos islands. It will also encompass the transport or supply of goods to building sites. The operation of this bill will be extended to the transport and supply. Where is the justification for that? There is none.

Building work is also defined more expansively to include construction, restoration, repair and demolition, any operation that is part of or preparatory to such activities and prefabrication of made-to-order components, whether carried on or off site. You wonder whether the poor old handyman in his handyman van is going to be attacked by this legislation as well. It is a disgrace, when you look at it.

This bill is just a first indication that this government will try to push through legislation of this type to extend beyond the construction industry and to other sectors of our economy. It is because they can. At least, they want to. It is not because there is a justification, a problem to be addressed, corrupt practice that needs a foot-stamp on it. It is none of the above. What it wants to do is peddle its poor ideology across these sectors, expand their power and make sure they can put the hobnail boot on workers.

Let us recall that Work Choices extended some of the provisions in the previous act that created the ABCC to the workforce more generally. The FWBC is getting on with the job of investigating and prosecuting unlawful behaviour. As I said, everyone agrees that if there is unlawful behaviour it should be dealt with in the appropriate way, but you should not have a need—and there is no need—for a specialist body to look at a problem that they think exists. It is only politically motivated. There is no other reason.

If you look at the work that the FWBC does, it applies to employers, employees, unions or contractors. It is undertaking and concluding more investigations and getting matters to court faster than its predecessor, the ABCC. The ABCC was not even particularly efficient at its job either, but this is a sensible return to the centre. It is a sensible government—although good government only started earlier this year. What we have is a reintroduction of legislation that stinks. It has no fit purpose and will continue to be inefficient should it pass this place. It will not find the things the coalition thinks it will find.

The performance of the FWBC has been superior to the ABCC, in terms of productivity and industrial disputation. Therefore, why would you dabble with a body that is doing its job—and getting on with its work, and managing pretty hard work in these areas—by creating a politically motivated body that will achieve very little? Not only does this bill repeal the FWBC and re-establish the ABCC but also it enlarges its jurisdictional and industry-sector application. It creates those new coercive powers and reintroduces criminal and civil penalties.

I can understand this type of attack by the Liberals and Nationals in the Senate. It is in their DNA. They see workers and they want to put their hobnail boot on them. That is where they sit in this debate. I accept that. That is their ideological bent, but they should not bring it in here and try to dress it up as a sensible centrepiece of industrial relations for this country. This
type of attack is unwarranted and unnecessary and only proves what I have been saying all along—that the coalition is hell-bent on hurting workers.

You only have to look at the magic they did with the Productivity Commission. This is a government that promised stable industrial relations and that we would not return to WorkChoices. Instead: 'What we'll do is get the Productivity Commission to have a look into workplace relations, more broadly, and see what they come up with.' Mr Joe Hockey and Senator Abetz sent it off to the Productivity Commission, knowing what they would get back. They got an issues paper back that said: 'We'll have a look at the minimum wage, as to how we can cut it. We'll have a look at how we can reintroduce a 45D and 45E, which will attack workers. We'll have a look at how we can cut penalty rates.' Senator Abetz threw his hands up in the air and said, 'No! We didn't mean that at all. The Productivity Commission's gone off on a frolic of its own.' You sent it on that frolic and you wanted that outcome.

The true reason Senator Abetz threw his hands up in the air on this one is that he was trying to save the skin of his Prime Minister. By the time he got to estimates, he said, 'Everything's still on the table. We're still looking at everything. We'll wait and see.' Once the crisis had passed—for the moment—for Mr Abbott, he had a bit of clean air, so he said, 'We've still got everything on the table. We'll still look at all of these things.' This is a government that will go back to the Productivity Commission report. It will have a look at the outcomes and will attack the minimum wage, will attack penalty rates and will want to reintroduce 45E and 45D secondary boycotts, and it will want to give the power back to the ACCC so that it can punish workers.

This is a government that will not bother seeking a mandate. It will want to do it well before the next election, if it can get away with it. Our job on the crossbench is to ensure that you cannot get away with it and that it does get highlighted. These are atrocious laws. Bringing back the ABCC in a new dressed-up piece of legislation, particularly with the nomenclature of improving productivity, is a falsehood. It should not be countenanced by this Senate. I suspect those on the other side will do a sterling defence of this bill and argue why it is so necessary.

I point those opposite to the areas of transport, supply, offshore oil rigs and the home handyman—the poor old home handyman; he has been wreaking havoc in this area!—and ask them why these people need to have the coercive powers applied to them. I suspect they will not be able to point to any home handyman who has been errant, who has been a problem in the industry, who has troubled a household severely or who has caused a problem. I suspect they will then go to the broad issues again, because at their base they really hate workers and workers' rights. They want to reduce workers' rights and they want to make sure there is a master-and-slave relationship back in place, because it is in their DNA.


This is one of the most difficult bills I have had to consider while I have been in the Senate and, like the Fair Work (Registered Organisations) Amendment Bill 2014, I have serious concerns and reservations. It is clear that the intent of this bill is to target and punish unions...
and organised labour groups, while neglecting to impose the same set of rules and standards on corporate Australia.

The intent of this bill follows a pattern set by the Liberal and National parties. It is similar to other bills brought before this Senate by the Liberal and National parties, which rely on destruction and undermining of basic civil rights and freedoms in order to achieve a quick law and order outcome. It is a pattern of legislative behaviour that we witnessed in Queensland and driven by former Premier Campbell Newman. However, in the rush to achieve a quick outcome or get an easy conviction, we run the risk of damaging the fundamental human and civil rights building blocks of our nation.

Before I give examples of the damage this legislation will cause to fundamental Australian human and civil rights, it is worthwhile to remind the Senate what an official explanation of the bill is. The Building and Construction Industry (Improving Productivity) Bill 2013 and Building and Construction Industry (Consequential and Transitional Provisions) Bill 2013 were introduced with the Building and Construction Industry (Consequential and Transitional Provisions) Bill 2013. The bill: (1) re-establishes the Australian Building and Construction Commissioner and the Australian Building and Construction Commission; (2) enables the minister to issue a building code; (3) provides the appointment and functions of the Federal Safety Commissioner; (4) prohibits certain unlawful industrial action; (5) prohibits coercion, discrimination and unenforceable agreements; (6) provides the ABC Commissioner with powers to obtain information; (7) provides for orders for contraventions of civil remedy provisions and other enforcement powers; (8) and makes miscellaneous amendments in relation to self-incrimination, protection of liability against officials, admissible records and documents, protection and disclosure of information, powers of the commissioner in certain proceedings and jurisdiction of courts.

At first glance, there are compelling arguments both for and against this piece of legislation; however, when the argument is simplified and when it is reduced to its essence, what this bill does is to re-establish a Star Chamber where basic civil rights for Australian citizens and workers are suspended in an attempt to address corruption, misconduct and crime within the Australian building industry. In taking this extraordinary action—the suspension of basic human rights—there is an implicit assumption that Australia’s existing laws and law enforcement agencies cannot properly address the corruption, misconduct and crime within the Australian building industry, which, I have no doubt, exist, just as corruption, misconduct and crime within the Australian banking industry and within political parties, undoubtedly, exist.

The Liberal government have tried to justify this extraordinary legislation by attempting to take the high moral ground, but I say, ‘What’s good for corrupt building workers is good for corrupt bankers, corrupt bureaucrats or corrupt politicians.’ And that is why, when I spoke to similar legislation which suspended and destroyed basic civil and human rights in order to achieve an easy quick law and order outcome with regard to corruption and organised crime, I said on Monday:

I believe that an equitable solution to corruption in the workplace and broader Australian society is the establishment of a permanent corruption watchdog whose star chamber powers will apply to bankers and union members equally. They must be applied equally. Combine that body with reformed world’s best whistleblower or public interest disclosure laws that protect, encourage and reward genuine
whistleblowers to come forward and then corruption in the workplace, corruption in government departments, corruption in the board rooms and corruption in political parties will be properly addressed.

Most Australians would not be aware of the extraordinary powers that this legislation will give not to police officers but to lesser trained public servants. The average Australian would expect that if they were accused of a crime they would have the right to silence and the assumption of innocence. Under this legislation that right to silence has been destroyed, and the assumption of innocence has been overturned and reversed. The government, through Senator Abetz, admits so in the official explanatory notes when he writes:

Under clause 57 of the Bill, where an application has been made regarding contravention of a provision in Chapter 6, and it is alleged that a person took action for a particular reason or with a particular intent, that allegation is presumed to in fact be the intent of the person, unless the person proves otherwise.

People who have been targeted by the legislation and accused of a crime or wrongdoing will have to prove that they are not guilty, rather than the authorities having to prove they are guilty. My point is: if you are going to apply a legal standard to a building worker, why is the same rule not applied to a bank manager or a financial adviser? Clearly, there is just as much wrongdoing, fraud and crime in corporate Australia as there is in the building industry. And, that being the case, if we are going to have a watchdog, let that watchdog track down corruption and organised crime in every location in Australia. Do not just start up a special government organisation to exclusively target the people who do not donate to your electoral campaigns. If you are going to bring that bureaucrat beast to life, as I mentioned in a speech earlier this week:

Of course there is an ongoing need to monitor, investigate and enforce our laws wherever crime and corruption is found within any organisation, whether it be government departments, political parties, corporations or unions. Wherever there is a concentration of power and money, the risk for criminal or unethical behaviour increases, because, as we all know, if you are human, power corrupts and absolute power corrupts absolutely.

However, the problem I have when the Liberals say they want to apply corporate standards of regulation to the unions is that Australian corporate standards are not all that flash. The standards the government want to impose on the building industry should be applied to their mates in the banking and finance industry. Otherwise it is not fair taking away the basic civil rights of a group of Australian blue-collar workers, while duchessing and pandering to white-collar workers and the big end of town.

Inspectors of the new commission under this proposed Liberal law will have more powers than police officers and less accountability. If a police officer wants to search your home, ordinarily that police officer has to apply to a judge or magistrate for a search warrant and justify his or her actions. In doing so, the police officer will be held accountable for their actions both during and after the search is carried out. In other words, a citizen's right to privacy is protected by rigorous checks and balances which have evolved in our legal system. These rights to privacy have been influenced by fundamental democratic human rights which, as the government admit, prohibit unlawful or arbitrary interferences with a person's privacy, family, home and correspondence. This legislation bypasses all those checks and balances by giving public servants— with questionable training—the power to enter people's businesses and residences without any warrants approved by judges or magistrates.
The explanatory notes issued by the government, under Senator Abetz's name, prove that point when he writes:
Inspectors are able to enter business premises without force if they have the reasonable belief that there are records or documents relevant to compliance purposes on the premises, or are accessible from a computer on the premises, or if a person who ordinarily performs work or conducts business at the premises has information relevant to compliance purposes. Both of these grounds of entry are restricted to situations where the inspector has a reasonable belief that there is information or a person relevant to a compliance purpose present at the premises. …
Inspectors are also able to enter premises, whether residential or business, in a narrower range of circumstances; namely if they reasonably believe that a provision of the Bill, a designated building law or the Building Code applies to work that is being done, or applied to building work that has been performed on the premises, or that a breach by a building industry participant of those same laws is occurring, has occurred or is likely to occur.
During the whole of that explanation from Senator Abetz, there is no mention of search warrants, and that concerns me greatly. We do not take the law into our own hands.

Probably the worst example of a politician infringing on the basic civil right of freedom of association was in Queensland, when Campbell Newman almost made it illegal for people like Vietnam veterans to ride motorbikes in a group. This bill contains a provision which breaches the human right of freedom to associate, which underpins the right to collectively bargain. Senator Abetz writes in his official notes:
To the extent this provision will restrict the application of site-wide agreements in the building and construction industries, the Bill limits the right to collectively bargain.
It is there in black and white—the government do not like workers organising themselves and collectively bargaining. So they introduce legislation which makes it illegal in certain circumstances.

Senator Abetz writes in relation to privilege against self-incrimination and the right to silence:
Clause 102 of the Bill provides that a person is not excused from giving information, producing a record or document, or answering a question under an examination notice, or as the result of an inspector exercising their relevant powers, on the grounds that to do so might tend to incriminate the person or otherwise expose the person to a penalty or other liability. This limits the right not to be compelled to testify against him or herself or to confess guilt.
In other words, Australian citizens, if this legislation is passed, can be compelled by public servants to testify or confess guilt against themselves. Surely this breach of a fundamental right and legal standard must concern the majority of members of the Senate.

As the official name of this legislation, the Building and Construction Industry (Improving Productivity) Bill 2013, suggests, the whole purpose is to improve productivity in Australia. With extraordinary powers which target and destroy basic civil and human rights contained in this legislation, you would expect productivity in Australia, when compared to the rest of the world, to be very poor. The government's own documents prove that this is not the case. The *Why Australia: benchmark report* from Austrade sells Australia to the rest of the world and undermines the political doom-and-gloom message that the Abbott government needs to peddle locally in order to convince ordinary Australians to easily give up their basic civil and human rights and therefore accept unacceptable government behaviour when the likes of Mr
Hockey, the PM and Senator Abetz steal from the sick, the poor and the elderly and then, with the assistance of a compliant media, re-badge the theft as 'budget savings'.

Whenever the government members say 'budget savings', they are clearly misleading the nation. 'Budget savings' is a clever way for Liberal politicians to say, 'Hey, let's steal from poor, vulnerable Australians while we look after our own rich mates.

In relation to labour productivity, this is what the Abbott government is telling our foreign neighbours.

Australia has enjoyed a sustained period of labour productivity growth exceeding growth in real wages. Over Australia's 23 years of consecutive economic growth, labour productivity has recorded a compound annual growth rate of 1.8 per cent per annum, while real unit labour costs have fallen by 0.5 per cent each year. Australia has experienced particularly strong labour productivity growth over the past two years, with growth of 1.9 per cent in 2012-13 and 2.6 per cent in 2013-14. During this same period, real unit labour costs have broadly remained stable, indicating that effective cost of labour has remained in line with productivity improvements.

The government's own words have busted their own myth regarding a labour productivity crisis in Australia. Therefore the government's own words have undermined the reason to rush extraordinary legislation through this parliament before the final findings of a royal commission into union corruption are made public and properly considered and the recommendations put across the table.

I am not naive or inexperienced enough to believe that all is well in the building and construction industry or has been well in the union movement. Some elements of Australia's union movement have behaved in a shameful, selfish and unpatriotic manner. Hal GP Colebatch has written a book which details and proves how Australian unions sabotaged our troops in World War II. The book tells the shocking, true but largely suppressed and hidden story of the war waged from 1939 to 1945 by a number of key Australian trade unions against their own society and against the men and women of Australia's fighting forces at the time of Australia's greatest peril.

However, I have to say that, to their great credit, the union movement are now leading the way, helping our veterans integrate and transition back into civilian society, when this Liberal-National Party is trying to cover up the deadly dysfunction in the Department of Veterans' Affairs. The union movement has a program called Helmets to Hardhats which aims to re-employ and train some of the 70,000 young diggers who have served in war zones over the last decade and a half. They have also joined the fight to lower the appalling suicide rate of our veterans—a very dark fact that this Liberal-National Party does everything to cover up and hide, because they know it is a national shame.

There may be a few in the union movement who are happy that I will vote against this legislation. They may think that they can continue to get away with their illegal activities. I have received many briefings from Tasmanian builders who have great fears over the undue and allegedly corrupt and criminal behaviour of the unions who work in the building industry. Of course, I urge those builders to document their concerns and allegations and take them to the police and other law enforcement agencies. However, if the Tasmanian builders do not receive action and enjoy the justice they deserve from the existing authorities, I will take their sworn statements of corruption and/or criminal behaviour and table their allegations in this Senate under privilege. I will not tolerate any illegal activities, bully boys or standover
activities on building sites in Tasmania. I will not tolerate Tasmanian builders and their employees who work on the mainland being bullied, stood over or discriminated against. There may be some in the union movement who have not got the message that criminal behaviour will no longer be tolerated or accepted and that from this day forward we will have new opportunities for consensus and cooperation in the building industry. For those silly few left in the union movement who think they can take me on over the protection I will give to Tasmanian builders and workers should our law enforcement agencies fail, I have a simple message. Islamic State threatens to behead me. That does not intimidate me, and neither will any threats from any unions or bullies.

I oppose this legislation because it demonstrates a pattern of political behaviour that we witnessed in Queensland that was driven by former Premier Campbell Newman. In the rush to achieve a quick outcome or get an easy conviction through by passing the existing system of law and order, Australia runs the risk of damaging fundamental human and civil rights—building blocks of our nation.

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (13:57): I rise to make what appears to be a very short contribution to this—

A government senator: Short but elegant.

Senator O'SULLIVAN: I am hoping. In the couple of minutes I have, what I want to point out is that I listened carefully to the contributions made over the course of this morning on the Building and Construction Industry (Improving Productivity) Bill 2013 and the Building and Construction Industry (Consequential and Transitional Provisions) Bill 2013. Here they come—the conga line, the chorus boys for the trade union movement. They will not want to hear what I have to say, because I listened carefully to the contributions, particularly from that side of the house, and not once did I hear them use the words ‘rule of law’—not once in any contribution. Not once did I hear them talk about the victims of the thuggery that exists in the construction industry—not once. Here is the clanger: the reason they did not talk about this is that they do not understand it—the word ‘productivity’ and improving productivity. Mine is in about 22-point font right at the top of the paper. I must say—through you, Mr President—that you did refer to productivity, Senator Lambie. That was the only time any contribution referred to it today. Nobody talked about the rule of law. Nobody talked about the protections that should be in place for people in the workplace. No-one talked about the private sector, which contributes almost absolutely to the productivity of this nation.

What I have to say about our colleagues on the other side is that they have spent their lives trying to take something off somebody else. You do not create wealth. You do not create employment. You just wait like a vulture, standing to take something off somebody else. If you want that to continue—if you want the private sector to make the contribution to the economy—you have to allow productivity to occur. There they are—a conga line of apologists for the trade union movement who just come in here, never mentioning the victims of the thuggery that occurs in the construction industry. Until you can create—

Senator Whish-Wilson: Mr President, on a point of order, we are just wondering if the senator is speaking from his correct chair.

The PRESIDENT: That is no point of order. He is acting whip, so there is no point of order. Order! It being 2 pm, we now proceed to questions without notice.
QUESTIONS WITHOUT NOTICE

Research Infrastructure

Senator KIM CARR (Victoria) (14:00): My question is to the Minister representing the Prime Minister, Senator Abetz. I refer to an open letter to the Prime Minister from the National Research Alliance regarding the government's failure to fund NCRIS in 2015-16. Can the minister confirm that NCRIS had 21 months of secure funding when the Abbott government was elected? Can the minister confirm that the government has committed billions of dollars in new spending since the May budget but refuses to deliver $150 million for NCRIS that is already in the forward estimates? Why is research infrastructure such a low priority for this government?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:00): Can I just remind the Senate that this question comes from the minister who had in his title 'research' and set about cutting research funding in this nation like no minister before him. But, in relation to NCRIS, can I remind him that Labor defunded NCRIS. They left no money in the forward estimates beyond 30 June 2015.

Senator Kim Carr: That is just not true.

Senator ABETZ: That is true, Senator Carr, and I would invite you to correct the record. This funding cliff meant that NCRIS would cease to exist on 30 June 2015. That is Labor's legacy in this space. However, the Abbott coalition government has provided $150 million—money Labor did not provide—for 2015-16. The review of infrastructure needs recommended by the Commission of Audit, which stressed the importance of research infrastructure, is underway, chaired by Philip Marcus Clark. Needless to say, they do want NCRIS to continue. The funding was an integral part of the higher education reform package announced in the 2014 budget. The funds for NCRIS only exist because of savings elsewhere in the higher education package—savings which the Labor Party oppose. If Labor had their way there would have been no funding for NCRIS in 2015-16. That is Labor's legacy, and it is Labor's activity in opposition as well. Coming from Senator Carr, this is a rich question. Having cut CSIRO funding, having cut the Commercial Ready program for our innovative sector, Senator Carr has no credibility in this space.

Senator KIM CARR (Victoria) (14:03): Mr President, I ask a supplementary question. I refer to the comments by Nobel laureate Professor Brian Schmidt on Radio National this morning where he said, in relation to the NCRIS funding threat:

… this is not the way a grown up country behaves. It's very childish and it's having a profound impact on something that is going to increase the productivity of the nation.

Why is this government recklessly risking 1,700 jobs in the Australian research sector and undermining Australia's future productivity? (Time expired)

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:03): This year alone, we are spending $9,200 million in research, science and innovation. Let us just acknowledge that for a start. But let us also acknowledge that it is no secret that, if our higher education reforms do not pass, funds will not exist for NCRIS. So talk about childish behaviour is, in fact, a reflection on the Australian Labor Party, which is blocking those
reforms which would allow the funding stream for NCRIS to proceed. The Labor Party wants the funding but not the savings, and that is why the Labor Party got this country into this hopeless mess of deficit and debt. That is what we are seeking to address. We do want to fund NCRIS, and that is why we want to make savings elsewhere to allow that to occur. *(Time expired)*

**Senator KIM CARR** (Victoria) (14:04): Mr President, I ask a further supplementary question. Can the minister confirm that the NCRIS funding is not even in the higher education funding bill? Given we are now in the fourth week of 'good government', can the minister advise when the government will stop attempting to bully and blackmail the Senate crossbench by threatening to cut research funding if it does not get its way on its unfair and unnecessary higher education changes?

**Senator ABETZ** (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:05): If Senator Carr did not believe in bullying, he would support us with the Australian building and construction commission legislation that is currently before this chamber. So I say to Senator Carr: do not assert that we engage in the sort of behaviour that you and your backers engage in on a daily basis. The art we try to use is the art of persuasion, not the art of thuggery, not the art of bullying. It is sound, reasonable persuasion that is the art of this place.

*Senator Wong interjecting—*

**Senator ABETZ**: I know it is not the art of those that continually interject during question time, like the Leader of the Opposition, as she is doing right now. That is bullying behaviour, not sitting back to listen to what the actual arguments are.

*Senator Wong interjecting—*

**Senator ABETZ**: And she is at it again, continuing nonstop. *(Time expired)*

**Intergenerational Report: 2015**

**Senator EDWARDS** (South Australia) (14:06): My question is to the Finance Minister and Minister representing the Treasurer, Senator Cormann.

*Opposition senators interjecting—*

**Senator Cameron**: When are we getting the submarines.

**The PRESIDENT**: Order on my left. Senator Cameron!

**Senator EDWARDS**: Will the minister inform the Senate of the findings of the 2015 Intergenerational report and the implications for Australia over the next few decades?

**Senator CORMANN** (Western Australia—Minister for Finance) (14:06): I thank Senator Edwards for that question. Earlier today the Treasurer released a very important report for the future of our nation. What this report shows are the challenges that our nation faces in the decades ahead. It shows the opportunities we have in front of us, as long as we get our policy settings right.

Of course, what it shows is the important need for our plan to strengthen the economy, to create more jobs and to ensure that government funding for health, for families, for pensioners, for medical benefits, for pharmaceutical benefits, for state schools and for hospitals is put on a sustainable foundation for the future. What it shows is the unsustainable spending growth trajectory that we were on as a result of the decisions of the previous
government, but it also shows the progress that we have made so far as a parliament in putting ourselves on a stronger foundation for the future.

It does show that there is still a lot of work to be done. But if you look at the trajectory that we were on, it was a trajectory taking government spending as a share of GDP to an unprecedented 37 per cent. To put that into context: the highest level of government receipts ever in the history of Australia was 26.2 per cent back in 1986. So what it clearly shows is that the spending growth trajectory that we were on was unaffordable.

Some people on the Labor side might say, 'Well, just chase it up with more new taxes. Let's just go up to 37 per cent of tax revenue as a share of GDP.' We know what that would do: it would kill the economy, it would hurt investment in Australia and it would make us completely uncompetitive. It would cost jobs and it would be exactly the wrong way to do it. This is, of course, why we are working to make government spending in Australia sustainable again, to make sure that we can live within our means and to make sure that we can strengthen economic growth, improve opportunity and protect our living standards into the future, rather than pursuing the trajectory we were on. (Time expired)

Senator EDWARDS (South Australia) (14:09): Mr President, I ask a supplementary question. Can the minister advise the Senate about the implications of these intergenerational challenges for government spending?

Senator CORMANN (Western Australia—Minister for Finance) (14:09): If we do not get our spending growth trajectory under control we will be lowering the living standards of future generations instead of improving them. If we do not get spending under control we will put upward pressure on taxes into the future; we would force future generations to accept deeper cuts in order to help fund our living standards today. But there is absolutely no alternative to the continued effort to get federal government spending here in Australia back on a sustainable foundation.

In Ireland, back in 2007, they had government debt as a share of GDP below 10 per cent. Now, a few short years later, it is above 90 per cent as a share of GDP. In Australia right now we have 15.2 per cent government net debt as a share of GDP, up from a 6 per cent positive net asset position only a few years ago. If we stay on a trajectory of more deficits and more debt it will damage our economy. That is not what we want. We want to strengthen the economy and create better opportunities for everyone to get ahead; that is our responsibility. (Time expired)

Senator EDWARDS (South Australia) (14:10): Mr President, I ask a further supplementary question. Can the minister advise the Senate of the consequences of inaction in the face of the findings of the Intergenerational report?

Senator CORMANN (Western Australia—Minister for Finance) (14:10): The consequences of inaction would be a weakening economy, less opportunity and lower living standards and, of course, what we need is the exact opposite. We do have an ageing population; that is a good thing. All of us can expect to live longer and to live longer healthier—thank God for that! The alternative ain't that flash!

But this does have implications for economic growth because an ageing population means a falling workforce participation rate and lower productivity. So that has implications for the revenue side and for the expenditure side. An ageing population means elevated expenditure...
on health and social services, and we need to prepare for that. We need to embrace it as an opportunity but we also need to prepare for the challenges that come with it so that in the face of changing global economic conditions we are as resilient as we can be and as strong as we can be, and that we are in the strongest possible position to take advantage of the opportunities that will come from significant growth in the Asia-Pacific in the decades ahead.

MINISTERIAL ARRANGEMENTS

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:11): by leave—I make a belated statement about ministerial arrangements. I thank the Senate, and I also thank Senator Wong for reminding me, that Senator Cash, the Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women, will be absent from question time today. I apologise for not informing the Senate about that previously. It was my oversight and I take responsibility for that. I would invite all senators that may have had questions to Senator Cash in her portfolio or representative portfolios to direct them to me, but I confess that I might have to take some of them on notice.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:12): by leave—I thank the Leader of the Government in the Senate for his acknowledgement of the error. I appreciate that. Obviously, there was no indication to party leaders or to the Senate prior to the chamber commencing, and I would make the point that I have requested a somewhat earlier indication of ministers’ abstinences on a previous occasion. I would appreciate it—and I am sure that other senators would as well, given the preparation for question time—if that could occur. Thank you.

QUESTIONS WITHOUT NOTICE

Economy

Senator DASTYARI (New South Wales) (14:12): My question is to the minister representing the Treasurer, Senator Cormann. I refer to yesterday's national accounts, which recorded just 0.5 per cent growth for the December quarter. Does the government accept responsibility for the Australian economy's slow growth and rising unemployment?

Senator CORMANN (Western Australia—Minister for Finance) (14:13): I thank Senator Dastyari for that question. The government accepts responsibility for everything we do.

Let me just say that we are in a stronger position now than we would have been if we had not made some of the changes over the last 18 months that we made. The economy in 2014 grew by 2.5 per cent compared to 1.9 per cent in the last year of Labor. Jobs in 2014 grew by about 600 a day, more than three times as much as under Labor. To be honest, the data in the national accounts yesterday was actually very promising in terms of the outlook moving forward.

Opposition senators interjecting—

Senator CORMANN: I know that the Labor Party is only interested in talking down the economy. But let's look at some of the facts. The ASX 200 sits at around a seven-year high. Dwelling approvals are 9.1 per cent higher than a year ago. Retail trade numbers have now risen for eight consecutive months, while investment outside mining and manufacturing hit a
record high of $62 billion in 2014, up 10.7 per cent on the year, the strongest calendar-year gain in seven years.

We have started to implement our Economic Action Strategy. We have started to get rid of all these bad Labor-Greens taxes—the carbon tax and the mining tax. We have reduced red tape costs for business by $2 billion a year. We have actually got out there to pursue a positive agenda to strengthen the economy and create more jobs—three new free trade agreements, with China, Japan, and South Korea. Everywhere you look we are making positive decisions: $1 trillion worth of environmental approvals. We know that all the Labor Party can do is be negative. The Labor Party are a bunch of knockers. They are not interested in the positive direction Australia is now going in, clearly, because all we can hear from the Labor Party is knock, knock, knock, knock. *(Time expired)*

**Senator DASTYARI** (New South Wales) *(14:15)*: Mr President, I ask a supplementary question. I refer to Reserve Bank Board member Dr John Edwards, who says that the annual rate of growth 'is below the rate that is necessary to prevent a rise in unemployment'. Minister, is Dr Edwards right?

**Senator CORMANN** (Western Australia—Minister for Finance) *(14:15)*: That is manifestly true. Clearly, if we want to bring unemployment down, in the context of population growth, then we need about three per cent growth. What I am saying is that employment numbers are now growing faster than they were under you. We are heading in the right direction. We are making progress. Are we in the position that we would like to be in? No, we are not yet in the position we would like to be in. There is still more work to be done. But let me tell you, we are in a much better position than we would have been if the carbon tax, which you want to bring back, was still in place and if the mining tax, which you want to bring back, was still in place and if all that red tape that Senator Wong imposed on the Australian economy, which you want to bring back, was still in place.

This is a government that is getting on with the job, making sure that we are more competitive internationally and that we can strengthen economic growth. We are now on the right trajectory, whereas before we were on the wrong trajectory, and that is what matters. You can knock, knock, knock, but we are actually making progress. We are getting on with it— *(Time expired)*

**Senator DASTYARI** (New South Wales) *(14:17)*: Mr President, I ask a further supplementary question, and I thank the minister for taking responsibility for rising unemployment and slowing growth. Can the minister confirm that under this government consumer confidence is down 10 per cent from election levels, capital expenditure has fallen 2.2 per cent in the December quarter, unemployment has hit a 12-year high of 6.4 per cent, and yesterday's national accounts demonstrate that GDP growth is entrenched below trend?

**Senator CORMANN** (Western Australia—Minister for Finance) *(14:17)*: The chutzpah of that question is unbelievable. At the end of six years of Labor government we inherited a weakening economy, rising unemployment, low consumer confidence and a bad budget position which was rapidly deteriorating. We are now in a stronger position than what we were, and these guys, because we have not fixed up six years of Labor mess, six years of Labor chaos and dysfunction, in 18 months, say, 'Look here: the economy's not growing strongly enough in order to absorb population growth'.
The PRESIDENT: Pause the clock.

Senator Dastyari: Mr President, a point order on relevance: I do not want to extend the chutzpah, but I clearly stated the question to ask whether or not he could confirm a series of figures. The minister has not addressed the question.

The PRESIDENT: The minister is certainly providing background relevant to the subject. I remind the minister of the question. He has 27 seconds in which to answer.

Senator CORMANN: Let me put it very slowly to you, Senator Dastyari. Under your government the country was heading in the wrong direction. The economy was weakening, unemployment was rising, consumer confidence was very low. We have actually turned the situation around. We are now heading in the right direction. Have we reached the destination yet that we ultimately want to get to? No. There is of course more work to be done. We still have to pass a whole range of structural reforms in the budget to help to strengthen economic growth further. (Time expired)

Climate Change

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:19): My question is to the Minister representing the Treasurer, Senator Cormann. Given that the 2010 Intergenerational report stated that as we move towards 2050 climate change 'represents one of the most significant challenges to our economic sustainability' and given that the dollar-cost impacts of extreme weather events in the last five years have been considerable, why is there no acknowledged or costed impact of global warming on economic sustainability out to 2055 in the Intergenerational report?

Senator CORMANN (Western Australia—Minister for Finance) (14:20): I would say firstly that we do cover climate change in the Intergenerational report, and the point that we make is that we are taking effective action on climate change. I will read it out to you: 'Australia will meet its Kyoto target for 2020'—without a carbon tax! We are meeting it without a carbon tax. And we will join with the international community to establish post-2020 targets—

The PRESIDENT: Pause the clock.

Senator Milne: Mr President, a point of order: the minister is insulting our intelligence. I asked for the cost on economic sustainability.

The PRESIDENT: Your question was a little bit more broad than that, and the minister has been addressing the content of your question.

Senator CORMANN: The reality is this: Senator Milne and I will never agree on the right way to deal with climate change. Those of us on this side believe in strong economic outcomes and strong environmental outcomes, and we believe that those objective are actually complementary, not contradictory. That is what we are working on. We are taking effective action, through the Direct Action policy, which was generously endorsed by this Senate. We are very confident that we will be meeting the bipartisan emissions reduction target by 2020 and, in an orderly and methodical fashion, Ministers Bishop and Hunt will engage with our international partners in Paris later this year, and there will be a conversation about the best way forward beyond 2020. That is the right way to go about it.

Senator Milne interjecting—
Senator Cameron: 'Orderly and methodical'—what a joke.

Senator CORMANN: We did deal with the issue in the Intergenerational report. By the looks of it, and listening to the interjection, it appears that we did not deal with it to Senator Milne's satisfaction. But I suspect there is nothing we could have done responsibly—focusing on the national interest and focusing on what needs to be done to keep the economy strong and growing—to satisfy Senator Milne's aspirations. To be frank—given that Senator Milne is the leader of the Greens who stands for lower taxes on fuel and windfall gains for big oil producers and importers; given her record—she has no credibility on this anyway. *(Time expired)*

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:22): Mr President, I ask a supplementary question. Given the bulk of the text on global warming to 2055 in the Intergenerational report is occupied with reiterating the government's Emissions Reduction Fund policy, why is modelling of this policy's hugely-growing drag on the budget not factored into the forecasts? The longer you pay polluters, more expensive reducing pollution becomes; where is the modelling of the impact of your policy in this document?

Senator CORMANN (Western Australia—Minister for Finance) (14:23): Senator Milne asks me about a drag on the budget. I can tell you what is a drag on the budget, and that is the Greens position to oppose regular indexation of the fuel excise—a $2.2 billion drag over the forward estimates. This is the position of the leader of the Greens. The leader of the Greens would rather big oil manufacturers and importers have $2.2 billion to play with, rather than to ensure that it helps us put our budget on a sustainable trajectory for the future. Here we have a leader of the Greens who is trying to talk about sustainability and drags on the budget—

The PRESIDENT: Pause the clock. You have a point of order, Senator Whish-Wilson.

Senator Whish-Wilson: Mr President, I rise on a point of order on relevance. The question, specifically, was: where is the modelling of this policy in the document?

The PRESIDENT: Thank you, Senator Whish-Wilson. Minister, I will remind you of the question; you have 24 seconds in which to answer.

Senator CORMANN: Senator Milne asks me about elements that are causing a drag on the budget and have environmental relevance. I would have thought that Senator Milne's current policy of fighting for regular reductions in the real value of the excise on fuel is a drag on both the environment and the budget. Surely, if Senator Milne really believed what she was saying, she would join with the coalition in passing that measure. *(Time expired)*

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:24): Mr President, I ask a further supplementary question. There is no modelling on the Emission Reduction Fund. Why is there no modelling of the cost impact of global warming on public health, emergency services, agricultural profitability, infrastructure, housing, insurance and defence out to 2055? Where is the modelling in relation to those costs and economic sustainability out to 2055?

Senator CORMANN (Western Australia—Minister for Finance) (14:25): As I have indicated in my previous answers, we are taking effective action on climate change—unlike the Labor-Greens carbon tax which was not only going to hit families, not only going to hit pensioners, not only going to hit small business and bigger businesses but to do so without doing anything to help reduce emissions in Australia. We are taking action that is actually making a difference to the environment in a way that is economically responsible.
We can go round and round in circles on this. I would actually be concerned if Senator Milne was supportive of our approach to the economy and the environment because it just would not be responsible for us to agree with Senator Milne and the Greens about the best way forward when it comes to economic growth—

**The PRESIDENT:** Pause the clock. Senator Rice, on a point of order.

**Senator Rice:** Mr President, I rise on a point of order: relevance. The question was about where the economic modelling of the impacts of climate change on various sectors of our economy is.

**The PRESIDENT:** Thank you, Senator Rice. Again, I remind the minister of the question. You have 18 seconds in which to answer.

**Senator CORMANN:** The government has conducted all of the relevant and appropriate economic modelling for the purposes of this exercise. We stand by that. Of course, what this report shows is the need to continue to implement our plan for a stronger, more prosperous economy and more jobs. *(Time expired)*

**International Women's Day**

**Senator MOORE** (Queensland) (14:26): Mr President, this is not a point of order but they may yet come. My question is to the Minister representing the Prime Minister, Senator Abetz, in the capacity of Senator Cash as assistant minister for immigration.

**Senator Abetz:** Mr President, if I may assist: Minister Cash has made arrangements and that is why it is absolutely appropriate for me to take full responsibility. Senator Payne, who I understand has been briefed, would be the appropriate minister.

**Senator MOORE:** My question now goes to Minister Payne. I would like to know: has the Minister assisting the Prime Minister for Women, Senator Cash, received an invitation to the Queensland LNP's International Women's Day breakfast at the men's-only Tattersall's Club? Noting that women are only allowed to enter this club at the invitation of a man, will Minister Cash—should she be there—be chaperoned by one of the men's-only Queensland coalition Senate team?

**Senator PAYNE** (New South Wales—Minister for Human Services) (14:28): I would like to thank Senator Moore for that compelling question on a very serious matter of policy—not. I am not aware of whether the minister has or has not received an invitation. I will take that on notice.

**Senator MOORE** (Queensland) (14:28): Mr President, I ask a supplementary question. Does the minister agree with the Prime Minister for Women on a compelling point of policy when he says that the decision to hold an International Women's Day breakfast in a men's-only club is 'fantastic' and an example of how the LNP is 'smashing the glass ceiling'?

**Senator Ian Macdonald:** How many times have you been there? Five? Eight?

**Senator PAYNE** (New South Wales—Minister for Human Services) (14:29): I understand Senator Moore has just acknowledged that she has been a visitor to the club herself, so I am not entirely sure of the logic she is pursuing in asking this question. What I can say—and I am sure Senator Cash would concur if she were here—is that I would like to acknowledge the Prime Minister's amazing support in assisting ministers like Senator Cash
and me in doing the best job we possibly can and making sure the glass ceiling has as many
knocks through it is possible.

Senator MOORE (Queensland) (14:30): Mr President, I ask a further supplementary
question. Does the minister agree with the Foreign Minister that a lack of female leadership in
social, political and economic sectors contributes to gender inequality? Has the minister
advised the Prime Minister, the Minister for Women—who has said that the appointment of
only two women to the cabinet reflects the capacity of women in his party room—that having
the assistance of only two women in the cabinet is an effective way for women to break the
barriers and the glass ceiling? (Time expired)

Senator PAYNE (New South Wales—Minister for Human Services) (14:31): I am not
familiar with the specific quote from Minister Bishop. On a day when we are looking at the
reference to participation rates in the Intergenerational report, we have to take the
opportunity to increase the participation of women in the workforce. The report makes that
very clear. The government is taking that very seriously, most particularly with the work that
Minister Morrison is now doing in the childcare space following the production of the
Productivity Commission report.

Fuel Security

Senator MADIGAN (Victoria) (14:31): My question is to Minister Ronaldson,
representing the Minister for Industry. Liquid fuel security ensures food and pharmaceuticals
can be transported across this country. Liquid fuel security ensures people can visit their
family and friends. Liquid fuel security underpins all forms of security in this nation. On 2
February the Department of Industry and Science appeared before a Senate inquiry into
Australia’s liquid fuel security. We were informed that the government does not have a policy
to maintain any onshore refining capability for Australia’s oil production. Minister, can you
confirm that the Australian government does not believe onshore refining capability is a part
of our national interest?

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the
Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:32): I thank
Senator Madigan for his question. I would make the observation that we had two questions
before—one from the left wing of the Australian Labor Party and one from the Australian
Labor Party—which were complete and utter twaddle. I thank Senator Madigan for using
Senate question time in the way it should be used.

Australia is part of a global petroleum supply chain that has access to diverse sources of oil
and refined products, both onshore and offshore, through the global market. This has proven
to be highly reliable in maintaining the supply of liquid fuel, even during the significant
global and local disruptions. As the senator would know, Australia’s fuel comes from reliable
sources of crude and refined product from a range of countries. At any given time, Australia
has a lot of crude oil and refined product on its way to Australia via diverse shipping routes.
Oil and oil products are traded globally through deep and liquid markets, and the market has a
very high capacity to respond to price signals to continue supply.

In response to the senator’s direct question, I can say to him of course that this government
does value our onshore refining capacity as part of this deep and diverse supply chain. The
government, however, believes that refinery closures are a commercial decision to be
determined by the owners and operators of those refineries. The government does, however, ensure that any refinery closures that do occur and the subsequent conversions to import terminals are done in an orderly manner with a smooth transition to minimise the potential impacts on motorists and industries.

The Department of Industry and Science commissioned a report in 2012 to assess any risks associated with refinery closures. The report, the National Energy Security Assessment, identified competitive pressures on domestic refining and assessed and tested Australian refinery closure scenarios. The main finding was that Australia was well placed to maintain domestic energy security. (Time expired)

Senator MADIGAN (Victoria) (14:34): Mr President, I ask a supplementary question. Minister, at the inquiry, the Department of Industry and Science officials struggled to inform the committee how many days of fuel reserves we have in our country. Minister, how many days of fuel to we have in stock, based on usual consumption? I would appreciate an answer in light of the fact that this question has been tabled for four days.

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:35): I thank Senator Madigan for his question. Just to finish off my last answer: I do note that we will be releasing a National Energy Security Assessment later this year. I understand that data is collected in many forms as part of the government's ongoing monitoring and assessment of Australia's fuel position. I also understand that the Department of Industry and Science collects petroleum industry information on production, refining, sales and the stock of all petroleum from market participants. Aggregated trade data—imports and exports—is currently sourced from Customs via the Australian Bureau of Statistics. The Department of Industry and Science publishes an aggregated subset of this data as the ABS publication on the industry website. The two most common measurements used in Australia are: net input days, which is the total oil stocks in this country divided by the average net imports of the previous calendar year, which is currently 52 days; and consumption data, which is the total oil stocks in the country divided by the former daily demand, which is currently 34 days. (Time expired)

Senator MADIGAN (Victoria) (14:36): Mr President, I ask a further supplementary question. Minister, what evidence can you provide to the Australian people to prove that the government is not putting commercial and political reasons before our national security on this matter?

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:36): I do not accept the premise of Senator Madigan's question. This government has a very clear record on national fuel security. On top of that, all monitoring of the fuel market and all of our modelling of possible disruption scenarios shows that Australia is in a good fuel security position. I can assure Senator Madigan that the government continually assesses and tests our fuel security position, and these assessments have consistently shown that global markets would continue to supply Australia's requirements during supply disruptions. These assessments include regular energy security assessments to provide a high-level overview of Australia's energy security position and, in particular, identify issues which need further monitoring and assessment and an examination of historical oil market responses to global oil
market prices to determine how Australian and international oil markets have responded to different oil shocks in the past and oil supply shock scenarios to determine the impact on physical oil supply to Australia.

**Building and Construction Industry**

Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (14:37): My question is to the Minister for Employment, Senator Abetz. Will the minister inform the Senate whether compulsory powers that apply to the former Australian Building and Construction Commission, and which currently apply to Labor's own Fair Work Building and Construction commission, which will expire in two months, are necessary and unique.

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:38): I can inform Senator Ruston and the Senate that Medicare, Centrelink, welfare recipients, the Australian Securities and Investment Commission, bankers and company directors, the Australian Prudential Regulation Authority and the Australian Competition and Consumer Commission, all—

Senator Moore: I rise on a point of order. I am just checking whether this question and the answer is actually relevant to a bill that is currently on the Notice Paper.

The PRESIDENT: I was just conferring with the Clerk on exactly the same matter. It is on the Notice Paper. Thank you, Senator Moore, for raising that. It is important that we clarify these matters. The rule is that the minister can address that matter providing he does not anticipate debate in relation to the bill that is on the Notice Paper. I will be listening to the minister's answer. At this stage he has not gone long enough for me to make that determination.

Senator Moore: It terms of anticipating what could be in the debate, is it content or argument? I am not sure how that operates. You are saying that it cannot cover things that are part of the debate; I just want to see what can be discussed in this particular answer.

The PRESIDENT: I will seek some further advice from the Clerk in a moment but if 'anticipating debate' related to the general content there would be no discussion. I will just confer with the Clerk. Just one moment, Senator Moore.

'Anticipating the debate' is about all clauses of the bill, but the issues surrounding the bill can be discussed and canvassed—the actual issues of the clauses. I will be listening. I think the minister has enough experience to be able to weave his way through this.

Senator ABETZ: Thank you for your vote of confidence, Mr President. I was going through the examples. The Australian Competition and Consumer Commission also have those compulsory powers. And their powers include less protection for witnesses than is proposed by the coalition for a re-established ABCC. Any assertion that is made that only—

Senator Wong: I rise on a point of order with respect to anticipating debate. That is a direct reference to a clause in the bill. Exactly what he is referring to is a clause in the bill.

The PRESIDENT: That is a direct reference to a clause in the bill. I invite the minister to continue his remarks, and be cautious of the provisions of the standing orders.

Senator ABETZ: There has been general, broad community debate about these matters, and the assertion that only construction workers are subject to these powers in relation to the
former commission and the existing Fair Work Building and Construction is false, because they apply to all managers, contractors and workers alike. The ACCC chair has said that it was only by using compulsory powers that it was able to continue its case against the CFMEU, and that was in enforcing consumer and competition laws.

Even Labor's own review of the previous ABCC concluded that it would 'not be a responsible course to recommend removing compulsory powers'. In short, these powers are essential to confronting the blatant contempt for the rule of law displayed on construction sites. It is interesting to observe that the Labor Party believes that there should be harsher investigative powers for a potential welfare cheat under Centrelink legislation than those that would engage in corruption on construction sites.

Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (14:43): I have a supplementary question. Will the minister explain to the Senate the need for compulsory powers to obtain evidence and information in a construction industry infected by a culture of fear and silence?

Senator Moore: I rise on a point of order.

The PRESIDENT: I probably do not need a point of order on this, Senator Moore. The question is now referring to provisions of the bill.

Opposition senators interjecting—

The PRESIDENT: Order! We are in very difficult territory, because the standing orders do provide that debate cannot be anticipated. I interpreted from the question that that would infringe the standing orders. I invite the questioner, Senator Ruston, to ask the question again—probably in broader terms.

Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (14:43): Could the minister please advise the Senate of any evidence that building and construction unions are failing to respect the rule of law on work sites.

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:43): I thank Senator Ruston for the question. There is overwhelming evidence that the CFMEU does not respect the rule of law. The CFMEU's Shaun Riordan has been seen filming workers who chose to return to work during a union strike—the same man who allegedly threatened to stab a security guard in the neck during an industrial dispute. Why are these threats and records necessary—to enhance work place safety or to intimidate those who might speak out against their thuggish agenda?

Fair Work Building and Construction Director Nigel Hadgkiss told the Senate estimates just last week that the only way his organisation can get intimidated victims of unlawful conduct to tell their story is through the use of compulsory powers. Australia has a choice as to whether or not it seeks to condone this sort of behaviour or to stand against it. (Time expired)

Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (14:44): Mr President, I ask a further supplementary question. Will the minister advise the Senate how hard it is to obtain evidence and information in the construction industry affected by a culture of fear and silence?
Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:45): I can inform the Senate that, as we speak, no fewer than 72—that is six dozen—CFMEU officials are currently before the courts, including the national secretary, the Victorian secretary, the Victorian president and the Victorian vice president. I simply pose this question: what would Labor and the Australian Greens say if there were 72 company directors or 72 bankers currently before the law for breach of their statutory duties and requirements? What would Labor say? They would say there is a crisis. They would say that this behaviour is endemic. They would say special laws were needed. And I would agree with them. That is why I invite them to seriously consider the matters that are, in fact, before the Senate. (Time expired)

Trans-Pacific Partnership Agreement

Senator WHISH-WILSON (Tasmania) (14:46): My question is to Senator Payne, Minister representing the Minister for Trade. This week five health experts from the Centre for Health Equity Training Research and Evaluation at the University of New South Wales published a report on the impact of the Trans-Pacific Partnership Agreement on medicine prices. Their expert analysis of a leaked chapter of the Trans-Pacific Partnership Agreement says the TPP will lead to a rise in medicine prices in Australia. Minister, will you specifically rule out that Australia is prepared, as part of the TPP negotiations, to extend the time taken for medicines to become generics, or that cutting edge medicines like biologics will have their data and market exclusivity period extended?

Senator PAYNE (New South Wales—Minister for Human Services) (14:46): The Minister for Trade has made it quite clear what his view is of the supposed leaked documents, and has said they are basically just 'another beat-up'. The minister has said:

As I have made clear repeatedly, the government will not support outcomes that would increase the prices of medicines for Australians or adversely affect our health system more generally; end of story.

Nor would we accept outcomes that undermine our ability to regulate or legislate in the public interest in areas such as health.

What the minister has indicated—and what has been the subject of, as I understand it, over 1,000 public consultations held by the Department of Foreign Affairs and Trade in the development of the TPP—is:

The TPP has transformational promise with the potential to help drive growth, jobs and higher living standards. The key focus of our involvement is to materially advance—

Senator Whish-Wilson: Mr President, I rise on a point of order on relevance. I very specifically asked the minister: 'Is Australia prepared to extend the time taken for medicines to become generics or that medicines like biologics will have their data and market exclusivity period extended?'

The PRESIDENT: Thank you, Senator Whish-Wilson. You did preface your question, and the question related to a leaked document. The minister answered that very directly up front, then she also categorically ruled out some of the issues concerning the prices. The minister still has a minute left to answer her question, but I think she has been directly relevant.

Senator PAYNE (New South Wales—Minister for Human Services) (14:48): Thank you, Mr President. In fact, I have nothing further to add.
Senator WHISH-WILSON (Tasmania) (14:48): Mr President, I ask a supplementary question. Last week in estimates, Treasury said they did not model the impact of your government's trade deals on GDP. When I asked DFAT about this, also at estimates, they said: ‘From an economy-wide GDP modelling perspective, the parameters would not be significant enough to alter Treasury forecasting.’ Last year the US department of agriculture released a study of the TPP and said that the total benefit to Australian GDP from the TPP is zero. Why are we pursuing these trade deals if the overall economic benefit is zero, zilch, none? (Time expired)

Senator PAYNE (New South Wales—Minister for Human Services) (14:49): Let me repeat what I said in my first answer—that is, the minister for trade has made it quite clear:

The TPP has transformational promise with the potential to help drive growth, jobs and higher living standards. The key focus of our involvement is to materially advance Australia's interests in a negotiation involving 12 countries which represent 40 per cent of global GDP. That is the important thing that the Australian government is pursuing.

Senator WHISH-WILSON (Tasmania) (14:49): Mr President, I ask a further supplementary question. It was reported this week that the Australian Chamber of Commerce and Industry submitted the government 'stop the secrecy around trade deals like the TPP'. They wanted negotiations to be monitored in real time by the Productivity Commission and wanted draft text disclosed to registered community and business organisations, such as happens in the US. If even business in Australia wants to end the secrecy around the TPP, why will you not release the text? Do you have something to hide?

Senator PAYNE (New South Wales—Minister for Human Services) (14:50): I can understand that Senator Whish-Wilson might not be particularly familiar with the standard practice of negotiations of international treaties. But, as is standard practice, the draft negotiating texts of the TPP—which involved 12 countries—are not in fact public documents. Once the TPP text is agreed between the parties it will be made public. It will be subject to public and parliamentary scrutiny through a review by the Joint Standing Committee on Treaties. In accordance with the government's treaty-making process, the TPP will be tabled in parliament for 20 joint sitting days to facilitate public consultations and scrutiny by the JSCOT. The agreement will not be ratified by the Australian government until this has taken place; and, as part of JSCOT's review of the proposed agreement, the committee invites public submissions and it takes evidence at public hearings. The government continues to take all available opportunities to engage with stakeholders and to meet with interested groups. (Time expired)

Indigenous Affairs

Senator PERIS (Northern Territory) (14:51): My question is to the Minister for Indigenous Affairs, Senator Scullion. I refer to the minister's comments earlier this week when he said:

Many of my communities live on the floor. It is like a cave. I think one of the characteristics of civilisation must be that you don't have to eat at the same level as your animals. It must be something like that.

Does the minister stand by these words, and does he understand why his words have offended so many people?
Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:52): Yes, and it is great opportunity to clarify a couple of the inferences that have been made in the question. I was speaking in regard to a question about the sorts of businesses that could develop in Indigenous communities, and I was reflecting on manufacturing. There was a question: what sort of manufacturing in communities? I said, 'Well, we really need furniture. Why is it the fact that my mob have absolutely no furniture in the state and territory provided public housing—no furniture?'

There is not an IKEA down the road. You cannot just go down to Bunnings and pick up a couple of tools. The only place you have is a small bench around the kitchen, so, when you come home at night, you put the telephone on the floor. You go and cook something: 'How're you going, Johnny? Yep, no worries, mate. You just have a feed down there.' I was appalled that that continues to be the case. That was the context. I was proudly representing the awful circumstances of our first people.

Senator PERIS (Northern Territory) (14:53): Mr President, I ask a supplementary question. Can the minister confirm that his parliamentary colleague Mr Wyatt and the head of the Prime Minister's Indigenous Advisory Council, Mr Mundine, among others, have criticised the minister's insulting words? Will the minister now apologise?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:53): I do understand that, when you provide a journalist with a bag of words, they take out one word, out of context. They then went to Mr Wyatt and to Mr Mundine and said, 'He's referred to people in a cave; what do you think about that?' and they said, 'Well, that does seem to be unfortunate.' In that context, that sort of mischief is always going to make print, I suppose, and I think that is a bit sad. There are so many real stories to write about this tragedy, so we do not need to make any up. I have to say that the context is very clear about the responses that I made, and I stand by them.

Senator PERIS (Northern Territory) (14:54): Mr President, I ask a further supplementary question. I refer to the Katherine women's legal service, which provides front-line services to victims of family violence, including Indigenous women, and which has just been notified that its funding has been cut in half. Does the minister also stand by his claim that his government's decision to cut half a billion dollars from the Indigenous budget will not have an impact on front-line services?

Government senators interjecting—

The PRESIDENT: Order on my right! Senator Peris, that did not directly relate to the primary question, but I will allow the minister to answer if he wishes to.

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:54): Just in the interests of providing information to Senator Peris: all of the family violence centres have been funded to the exact same extent as they were. In fact, there has been an increase. However, there are some who applied separately for different funds, and there will be a negotiation about how much those funds were. I understand that in this case there might have been substantially less than they applied for in separate funding beyond what they were originally funded for. But I am more than happy to supply some more details to you or the Senate if that is required.
Aged Care

Senator SMITH (Western Australia) (14:55): My question is to the Assistant Minister for Social Services, Senator Fifield. I refer to the fact that the Intergenerational report has highlighted some of the demographic challenges associated with Australia's ageing population. Can the minister inform the Senate of the government's approach to managing these challenges, particularly when it comes to the provision of services that older Australians are likely to need?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:55): Thank you, Senator Smith, for your question. We have heard a lot, of late, about Australia's ageing population, and we will be hearing more, certainly, in the wake of the Intergenerational report. I think it can sometimes be difficult to comprehend the scale of the demographic change that the nation will face. At the moment, the proportion of the population aged between 65 and 84 is 13 per cent, or around 3.1 million people. The IGR projects that by 2055 that proportion will have grown to 18 per cent, or around seven million people. But I have to say that the statistic that most struck me when I first came into this portfolio, and still does, is the fact that there are currently 3,000 centenarians in Australia and that by 2055 there will be 40,000 centenarians.

Our ageing population—and the number of centenarians that we have—is unequivocally a good thing. It is a great thing. It is a great national resource. Probably too often we hear about the problems that an ageing population will bring, but I think we can all agree that we never want to hear about people talking about our ageing population as though it is anything other than extremely positive. As a community, as a society, an ageing population living longer and living better is something that we have striven for for decades, but we do obviously need to be cognisant of the challenges that an ageing population represents. We should be optimistic about the future at the same time, but it is important to note that the ageing population is driving a significant increase in demand in services that older Australians will want and need, particularly when it comes to aged care. The Chairman of Estia Health, Pat Grier, a former Ramsay CEO, has compared the aged-care sector now to where the private hospital sector was 20 years ago: on the brink of a great new era of possibility. (Time expired)

Senator SMITH (Western Australia) (14:57): Mr President, I ask a supplementary question. Will the minister advise the Senate how recent changes to the aged-care system affect the aged-care industry and whether these changes will help the industry prepare for the increased demand that aged-care providers are beginning to experience?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:58): At the outset, can I acknowledge the recent public comments by the shadow minister, Mr Neumann, and also his private comments that this is an area where he is willing and would like to work in a cooperative manner. I think that is a good thing.

You will recall that in July last year there were significant changes that came into effect in the aged-care system, legislated by the previous government and implemented by this government. They included new means-testing arrangements so that those who had the capacity to make a contribution could do so. We are also significantly increasing the number of home care packages because people want to have support at home to live there longer, and
we also are encouraging greater consumer information through the My Aged Care gateway. This is all designed to make sure that we have a good service system accessible to our ageing population.

Senator SMITH (Western Australia) (14:59): Mr President, I ask a further supplementary question. Will the minister advise the Senate what further reform directions the government is considering to help ensure that our aged-care system can meet a significantly higher demand for these services over the next decade?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:59): We are keen to see much more of a consumer led sector when it comes to aged care. From 1 July this year, all home care packages will be delivered as consumer directed care. That is a good thing. There is a legislated review into the aged-care changes, which is due by 2017, but I am keen to move a little more quickly and certainly to start thinking now about how we might further move in the direction of greater consumer care. We know that, at the moment, the number of places are offered on a geographically defined basis. But where people want to live is changing. I think within the existing taxpayer envelope, we need to look at how we can open up supply to residential service providers so that they can make business decisions based on market intelligence about when and where to build their services, and then allow them to attract consumers through price and through service. We want to see individual, older Australians at the centre and in charge.

Commonwealth Cleaning Service Guidelines

Senator LINES (Western Australia) (15:00): My question is to the Minister for Employment, Senator Abetz. I refer to the $2 an hour pay cut for cleaners at the Department of Immigration and Border Protection due to his abolition of the Commonwealth Cleaning Service Guidelines. Can the minister confirm he misled the Senate on 7 July 2014 when he said 'nobody has had a pay cut' because of his decision and declared, 'I categorically deny that anyone's wages have been cut in any way, shape or form'? Will he now correct the record?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (15:01): The premise of the question is clearly false. As I indicated earlier this week in answer to a question, the—

Senator Jacinta Collins: Are you being tricky?

Senator ABETZ: That needs to be withdrawn. That is outrageous.

An opposition senator: She said 'tricky'.

Senator ABETZ: Did you say 'tricky'?

Senator Jacinta Collins: Yes.

Senator ABETZ: I misheard and I am willing accept that.

The simple fact is that the premise of the question is false. At no time did anybody get a pay cut with a removal of the regulation. It was removed in July and the allegation was that people's pay would be cut. Was anybody's pay cut because of the removal of the regulation in July?

Opposition senators interjecting—
Senator ABETZ: No, not in July—thank you, very much. In August? Not in August. In September? No. In recent times, there has been a new contract entered into and that new contract has, as part of it, that the cleaners would be paid according to the union negotiated enterprise bargaining agreement. Therefore, if it is asserted that these people are being underpaid, being paid less than they deserve, it is not a reflection on myself; it is a reflection on the trade union movement that negotiated that enterprise agreement, which according to Senator Lines, sees these people allegedly being underpaid. Let us be very clear: a new contract was entered into and when new contracts are entered into parameters, regrettably, change from time to time—as the CFMEU found out in Senator Lines's own home state. (Time expired)

Senator LINES (Western Australia) (15:03): Mr President, I ask a supplementary question. Will the minister guarantee that wages will not be cut by any other departments as a result of the government abolishing the cleaning guidelines?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (15:03): As with all contracts, they come up for negotiation from time to time and it stands to reason that sometimes the employees will be paid under the Fair Work Commission modern award that is applicable or an enterprise bargaining agreement sanctioned by Labor's Fair Work Commission. That will determine the pay rate for those workers. If Senator Lines has a problem with the modern award or with a union negotiated enterprise bargaining agreement—

The PRESIDENT: Pause the clock.

Senator Lines: Mr President, I rise on a point of order. The question was: can the minister guarantee?

The PRESIDENT: The minister is addressing the question and he has 23 seconds left in which to answer.

Senator ABETZ: I cannot guarantee whether or not the unions will look after their members in a manner that Senator Lines would like them to be looked after.

Senator Lines: Mr President, I rise on a further point of order. The question asked: will the minister guarantee that wages will not be cut by departments—nothing to do with unions.

The PRESIDENT: The minister just said he could not guarantee, so I think the minister is being directly relevant.

Senator ABETZ: The reason I cannot guarantee is because it is the trade union that will be negotiating these matters and this is a huge vote of no confidence by Senator Lines in the union. (Time expired)

Senator LINES (Western Australia) (15:05): Mr President, I ask a further supplementary question. What sort of government makes it a political priority to attack the living wage of some of the lowest paid workers in Australia by cutting $2 an hour from their weekly pay packet?

Senator ABETZ: As I have already said, not on one occasion or two occasions but on three occasions earlier this week during question time, that the premise of that question is false. What I can say to Senator Lines is this: the average family today is $550 better off
because we abolished Labor's carbon tax. Mr President, I ask that further questions be placed on the Notice Paper.

STATEMENTS

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (15:06): Under indulgence, can I acknowledge that today is the last day in this building of the Senate PLO, Michelle Rak. We all acknowledge the important role that the Senate PLO plays in this place in what is an interesting professional environment for a public servant. Can I thank her on behalf of the government for her service to the Australian parliament, and acknowledge Susan Cattermole will be starting as her replacement.

Senator MOORE (Queensland) (15:06): On indulgence, I would like to add some comments on behalf of the Labor team to acknowledge Michelle Rak and thank her for her hard work and professionalism. She has always been extremely effective in making sure we knew what our job was. As Senator Fifield has said, it is an interesting place for a placement, and I am sure Mitchell found it extraordinarily interesting in her time here. I also take the opportunity to welcome Susan Cattermole into the job. I know that we will have the same working relationship with Ms Cattermole.

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:07): On indulgence, I associate the Greens with those remarks of thanks. Michelle Rak has always been extremely helpful, very gracious and very good to work with. I wish her well for the future.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

International Women's Day

Senator MOORE (Queensland) (15:07): I move:

That the Senate take note of the answer given by the Minister for Human Services (Senator Payne) to a question without notice asked by Senator Moore today relating to International Women's Day. Across the country and particularly in my own state of Queensland, a whole calendar of events is planned to take place over the next few days to celebrate International Women's Day. These events will acknowledge the history of women and look at what has happened to them to ensure that we celebrate the strength of women in our community.

In terms of my question and the extremely short answers provided by Minister Payne, I did hear comments made by Senator Macdonald, asking me directly as to how many times I have been at the Tattersall's Club. I can think of three times. One occasion was to attend a family function that was called by another person, whom I knew well. Another occasion was to attend a Royal Historical Society AGM and celebration dinner. I did say that I was concerned about attending the Tattersall's Club but I could not not attend because it was a very important occasion where a friend of mine was receiving an award. Another occasion was when I attended a Senate inquiry, where the committee had chosen to have its meeting at the Tattersall's Club. It will not happen again, because I raised my concerns at the time and they acknowledged that it was not the appropriate place to have such an inquiry.
I have no particular problem with the beautiful facilities at the Brisbane Tattersall's Club. However, I do have a problem in that, when we check out the membership of that club, we find that it is a proud businessman's club, which has been able to offer membership only to men for the whole 150 years of its existence. Indeed, not only is it just a man's club but, in the last few years, they conducted a public vote of their members—who, as we know, do not identify as women—to see whether women would be allowed to have membership to that club. By a significant number, the members of the Tattersall's Club decided that that would not occur and that they would not be offering membership of that club to women. It is on that basis, which is the only basis on which I have raised my concerns, that I ask: is this the appropriate place to hold an event celebrating International Women's Day?

Similar questions were asked yesterday in the other place. The Prime Minister, who is the Minister for Women, said it was a fabulous result and that it in fact represented a breaking down of the 'ceiling'. I trust that LNP women will not be breaking down any ceilings at the Tattersall's Club, because it would be very expensive to be doing any breaking of ceilings in that club. I was particularly interested that it was one defence. Another defence by the Queensland LNP was that the club was available and they had had to organise the occasion at short notice. I feel certain that a few other venues would have been available. And we actually know the day of International Women's Day!

But the defence that is my personal favourite is one that has been highly publicised, and it was made by LNP women's vice-president and Sunshine Coast businesswoman, Ms Simpson. She has come out and openly said that she feels the reason that it is important to have such an event at the Tattersall's Club is that it is similar to the actions of Rosa Parks, who made a statement when she went on a bus in Alabama and brought forward issues of equity. I celebrate the fact that the women of the LNP are going to be taking such peaceful action to raise issues of equity in our community. The way it has been presented by the LNP vice-president is that, seemingly, the lunch or the breakfast or the function to celebrate International Women's Day is some sort of peaceful occupation of the Tattersall's Club. We know the issues around that wonderful example of community action taken by that very strong woman from Alabama, Rosa Parks. Part of her action was not to leave the bus. She was on the bus and she was going to stay on the bus until she could take her rightful place at the front of the bus.

I want to celebrate the actions of the LNP for holding their event at the proudly male-membership-only Tattersall's Club in Brisbane. They will be having a peaceful occupation of that venue to celebrate International Women's Day. I also want to offer my support, because should those women not be able to leave the club because of their occupation, I am prepared to stand outside and say: 'Good on you, LNP, because you are actually breaking that glass ceiling.' You are making a statement and perhaps your activity will be successful. (Time expired)

Senator IAN MACDONALD (Queensland) (15:13): I very much appreciate Senator Moore highlighting the LNP women in Queensland. I do not think I could have given a more sterling vote of support for LNP women than Senator Moore has just done. Regrettably, we do not see those sorts of highlights from the Labor Party. Are we having a Labor Party function to highlight international women's week? We do not seem to having any. But I am very grateful to Senator Moore for just recognising what a broad church the LNP in
Queensland is. While I am at it, I indicate that the LNP in Queensland is very well run by a couple of very, very strong women in Theresa Craig, who is the president, Peta Simpson, the vice-president, who Senator Moore kindly mentioned in what I can only call her ‘strange’ sort of speech.

I do not know why the LNP women decided to have the function there. I am glad they did. It indicates that in Queensland the LNP women are doing things for the right reasons, not for the silly reasons that Senator Moore seems to be fascinated with in this chamber. The LNP women are a great group of people. They are a very significant part of the LNP in Queensland. Whilst I do not have the statistics in front of me, my assessment from attending state councils, state conventions, branch meetings and area meetings would be that women comprise, if not more than 50 per cent, a very good percentage of the branch membership of Queensland.

I did not see Senator Moore regretting so much the number of LNP state members who were defeated at the last Queensland election. It was a pity Senator Moore did not show some interest when the unions that she supports, and the Greens political party's GetUp! group, campaigned dishonestly against those women members of the LNP. I did not see Senator Moore making much comment about that.

Senator Moore says that she has been at Tattersall's three times. She obviously enjoys going there. I have been there a few times, as well. I am not a member but I have reciprocal rights from the North Queensland Club, which is a similar social community club in Townsville. The president of this club is Ms Glenys Schuntner, a very important and significant woman in Townsville. She runs that club, and it is a similar club to the Queensland Club and the Tattersall's Club.

I do not know the rules of the Tattersall's Club. What I do know is that, clearly, Senator Moore has been able to go there. On the few times that I have been there, I have taken my wife in, and not one person has challenged me. In fact, during LNP conventions, which are sometimes held down the road, or used to be, I have stayed there with my wife and we would bring in people that I was familiar with. We would all go in and have a beer. Half of them would have been women. I was never challenged by anyone for women coming in, having a drink and enjoying the facilities there. So I do not know what Senator Moore's fascination is with this subject. I know Senator Moore is capable of a much better contribution to the policy debate of our nation rather than raising pathetically irrelevant issues like this in question time.

I want to conclude where I started: I am, again, very grateful to Senator Moore for highlighting the importance of women in the Liberal National Party of Queensland and the very significant role that the LNP women play in our party in Queensland. I just regret that the Labor Party were not doing things more positively to highlight all of the good things about women in the world.

**Senator LUDWIG** (Queensland) (15:18): I, too, rise to speak on the outrage of members of the LNP, and even more so the LNP Women vice president Peta Simpson. Before I go to the outrage that I will express, let me be clear: International Women's Day, on 8 March, is about 'Make It Happen'. Across Queensland and across Australia there will be many functions celebrating the achievements of women and the effective action of advancing and recognising women. Thousands of events will occur. Of course, it will be about making and recognising the economic, political and social achievements of women across Australia.

**CHAMBER**
I do not think that—and I think many Australians would agree with me—celebrating it at the Tattersall's Club in Brisbane is in accordance with that aim. It is appalling that those opposite have simply laughed off the fact that an International Women's Day lunch is to be held at the men-only Tattersall's Club in Brisbane tomorrow—not even on 8 March.

Ms Simpson, the vice president, is quoted as saying that could not think of a better place. Well, she certainly did not turn her mind to it very deeply. One person said: 'You couldn't make this stuff up!' I agree with that person entirely. It is beyond belief to think that you could not make this stuff up. In defending the choice, as Senator Moore said, Ms Simpson cited an iconic woman of the American civil rights movement. She tried to liken it to the American civil rights movement. I am appalled. Quite frankly, I would be disgusted that you would try to use that analogy if you had read anything about the American civil rights in that period.

Rosa Parks, an African American woman, refused to give up her seat on a bus to a white passenger. And you want to make an analogous comment about that and think it is funny. I disagree completely. It is a disgrace to draw that comparison. The LNP and those opposite should bow their heads in shame. The Tattersall's Club always has been and always will be a boys' club. In fact, women are reminded to bring along their partner's card.

Ms Simpson has spoken of the symbolism of having the event at the Tattersall's Club. What symbolism? The fact that a men-only club will allow women to hang off the arm of an ignorant man. The Tattersall's Club always has been and always will be a boys' club. In fact, women are reminded to bring along their partner's card.

Senator Ian Macdonald interjecting—

Senator LUDWIG: I am sure you have been asked and reminded to bring along your partner's card, which allows them to enjoy the club's facilities and services.

During question time yesterday, Mr Tony Abbott sang the praises of the LNP and the wonderful broad church that he leads. Mr Abbott, let me assure you, through you, Mr Deputy President Marshall, the church you lead is one of men who follow the bastion of old-fashioned chauvinism, quite frankly. That is the Tattersall's Club; not a modern and vibrant economy that can celebrate the achievements of women on 8 March.

You would be mistaken for thinking that this is all just some sort of joke, that we can just laugh it off. But this is beyond parody. We are clearly expecting too much from a party that has a male Minister for Women. Mr Abbott attempting a comedic defence in the House yesterday was, quite frankly, disappointing and should be left in the dustbin of history and not trailed through this place.

The LNP and those opposite have made a mockery of the day that is about celebrating the achievements of women and bringing light to the issues that women face. The fact that Mr Abbott says that the venue was chosen due to the short notice of the function, quite frankly, just goes to show the LNP's blatant disregard for the importance of International Women's Day. (Time expired)

Senator BERNARDI (South Australia) (15:23): There is a part of me that loathes these sorts of debates because those opposite are trying to engineer some kind of faux outrage or confected outrage because the LNP is holding a function to celebrate International Women's Day. Somehow the Labor Party are appalled and outraged about this. We had the attempted humour by Senator Moore and we had the attempted outrage from Senator Ludwig. But I
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would make one point: I am none the wiser about whether Senator Ludwig is actually a member of the Tattersalls club or not. That is the question I was trying to get out of him through his debate but I am none the wiser about that.

As a man within the Liberal Party, I am quite proud to say that we have been pioneers over the course of time in promoting and advancing the interests of women. Who could forget that Dame Enid Lyons was the first female member of the House of Representatives and she was a member of the UAP or later the Liberal Party. She was the first female Vice-President of the Executive Council and, once again, the Liberal Party championed that. Who was the first female minister with portfolio responsibilities? Let me guess. Was it on the Labor side? No, it was not. It was Senator Annabelle Rankin, who was appointed Minister for Housing in 1966 for the Liberal Party. Who was the first woman to be appointed to cabinet and administer a government department? It was Senator Margaret Guilfoyle, who was appointed the Minister for Education and Minister for Social Security in 1975. She was in cabinet in 1976, once again, for the Liberal Party. We have a proud history. We have the first female Minister for Foreign Affairs in the current cabinet. We had the first female President of this place, Senator Margaret Reid, who was a proud South Australian at one point and then became an ACT senator.

I do not want to take any lectures from the Labor Party who, instead of promoting people on merit, have to go through a process in which they play gender cards in order to claim their own positions. I reject that in its entirety. In doing so, they exhibit blatant hypocrisy. When they had a democratic vote of their rank and file—like in South Australia to choose their Senate candidates—and they chose someone of the fine quality and characteristics like former Senator Don Farrell as their No. 1 person and they chose Senator Penny Wong as the No. 2 person on that ticket, all hell broke loose. There was a whisper campaign, there was nastiness and there was this whole thing about claiming misogyny and everything else until Senator Farrell, in a fit of chivalry, which is very old-fashioned in this day and age, stood aside to allow Senator Wong to be No. 1 so she would stop complaining about how badly she had been treated by the Labor Party members. The price of that chivalry was that Senator Farrell is no longer politically with us. It did illustrate the point that the Labor Party have demonstrated enormous hypocrisy in their purported standing up for the advancement of women whilst at the same token abusing us for it. It is quite extraordinary.

I also make the point: who can forget the gross betrayal of former Prime Minister Ms Gillard? Tearing down a first-term Prime Minister is quite an extraordinary thing to do, but to do it twice in two terms is extraordinary in itself. So I do not think we can have lectures on treating women respectfully by those on the other side, no amount matter how much they want to claim.

I would make the point that the Prime Minister and indeed the Leader of the Opposition both signed this week the HeForShe Commitment in the parliament. I am hearing today this sort of excuse that somehow men are not able to participate in a conversation about gender equality. In actual fact, if you are having a function for women that is held in a prestigious venue like the Tattersalls club notwithstanding whatever membership restrictions they may have there, the simple point is it is saying this is a very important point, a very important issue that needs to be held up.

Senator McLucas: I am not allowed to go there.
Senator BERNARDI: I hear Senator McLucas saying she is not allowed to go there. You should perhaps talk to Senator Moore, Senator McLucas, because Senator Moore has been there on a number of occasions. So she does not object to the Tattersalls club because she goes there and enjoys it. It is quite extraordinary. My suggestion would be to those senators who are a bit envious on the other side is that they speak to Senator Moore and look about how they can access her access to the Tattersalls club.

This demeans the whole thing. International Women's Day is important. The coalition is locked into it and the Labor Party wants to make points out of it. (Time expired)

Senator PERIS (Northern Territory) (15:28): I rise to take note of the answers to questions today to the Minister representing the Minister Assisting the Prime Minister for Women, Senator Payne. Today, I believe, is a sad indictment of women that the Queensland Liberal National Party are actually holding their International Women's Day breakfast tomorrow at the men's Tattersalls club. It is unbelievable. What it does say is the attitude of the coalition towards women is that they will only meet with women on their own turf. It is extraordinary. And they expect women to be grateful. I do not know, maybe some women in the LNP think that being allowed into a men's club for breakfast is an honour. I do not think so. And that is what the Prime Minister says. It is not an honour; it is plain chauvinistic.

I do not mind if you support the LNP; that is fine, many strong women do. I say to women who are thinking of attending this event that International Women's Day is not about politics. As my colleague Senator Ludwig said, the theme of the 2015 International Women's Day is 'Make It Happen'. You can actually support this event by not actually attending and calling for greater equality. The Prime Minister claims that letting women in for one breakfast is smashing the glass ceiling. If you were smashing the glass ceiling you would refuse to go to the club until they actually let women join. This whole thing is unbelievable and it is condescending towards women.

Also patronising is the fact that yesterday Senator Cash stood up at the Press Club in Canberra and talked about the importance of tackling family and domestic violence—while, at the same time, the only family violence service in Katherine got a phone call and an email from their government to say that their funding is being cut in half. The Katherine women's legal service provides vital front-line services to victims of family violence, and I repeat: this is the only one in Katherine. They have had their funding cut in half by Senator Scullion. They now have to reduce their staff by two, move to smaller premises and cut back on vital work that they do in remote communities in their outreach program. If providing support for women who are being bashed and beaten is not a front-line service, then what is? The gap will never be closed if services that are working to close the gap have their funding cut.

To be honest, I am sick and tired of all the people who put on white ribbons and talk about family violence while at the same time ripping funding away from front-line services. It is absolutely disgraceful. Of course, we all want to reduce domestic violence, and I am not questioning that in this parliament there is bipartisan support for tackling family violence. But it means absolutely nothing if services are being cut.

Domestic violence is an issue right around this country. Two women a week are killed by their partners. In my home territory, Katherine has some of the highest rates of domestic
violence in this country, and 2013 and 2014 have seen more domestic violence assaults than ever before. Katherine is at the forefront. Per capita, the rate of family violence in Katherine is four to five times greater than in Darwin and 10 times greater than in the rest of Australia.

The sister of the minister for women in the Northern Territory, Bess Price, was stabbed to death in Katherine late last year. That is an absolute tragedy but it illustrates the incredible levels of violence in this area. But funding has been cut. It is insane, it is madness and it is wrong. I will say again: if you are an Aboriginal woman you are 80 times more likely to be hospitalised because of assault than any other Australian.

I challenge all the women and men who are going to the men-only Tattersalls Club for International Women's Day: come to the Territory. Come to Katherine and see bashed and bloodied women, or go to Tennant Creek and see the horrific levels of alcohol-fuelled violence in that town. Go to the Alice Springs emergency department, which is often described as a 'war zone'. Go to the women's shelter in Alice Springs that has to turn away, on average, seven women and their children every night—desperate women who have nowhere else to go. That is where I will be this Sunday. That is where I am going to be on International Women's Day. Men-only clubs are relics of the past. I condemn the LNP for holding their International Women's Day event there.

Question agreed to.

**Intergenerational Report: 2015**

Senator MILNE (Tasmania—Leader of the Australian Greens) (15:33): I move:

That the Senate take note of the answer given by the Minister for Finance (Senator Cormann) to a question without notice asked by Senator Milne today relating to the 2015 Intergenerational Report.

I have to say that I am absolutely disgusted by the Intergenerational report that the government has put out today. Senator Cormann made it very clear that he does not care. He simply does not care that they have put out a document which is based on no modelling whatsoever. It is just a Liberal Party pamphlet, and I will go into the detail of that.

I asked Senator Cormann to explain why the 2010 Intergenerational report said that climate change represented one of the most significant challenges to economic sustainability. I asked him what had happened in the last five years such that now it has no reference to economic sustainability. What did he do? He refused to answer the question. He went nowhere near that question. The next question I asked him was: given the bulk of the text on the Emissions Reduction Fund, why wasn't there any modelling of this policy's growing drag on the budget? We are going to be paying the big polluters out of the taxpayers' pockets but there not a single dollar's modelling in there. He ignored that question as well. The last question went to the issue of what are the modelled costs of the impact of global warming on public health, emergency services, agricultural profitability, infrastructure, housing, insurance and defence? Why haven't we got the costings of global warming on all of those—given we have just had cyclones in Queensland smashing the infrastructure left, right and centre? In Western Australia, since 1 January this year, there have been 1,000 fires. Since 1 January this year, in eight or nine weeks, 1,000 fires have been reported in Western Australia and the latest report from the Climate Council has said that south-west Western Australia is drying out. It is becoming much more fire prone. It is getting to the point where it will be difficult for people to continue to live there, and that is because they will not be able to insure their property. This

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**CHAMBER**
has serious impacts for water availability, infrastructure, human health—all of these things—and yet the government is pretending that global warming will have no impact out to 2055. The extraordinary thing is: this report devotes more time to the debt in Ireland than it does to global warming in Australia. What does that tell you about the junk that this report actually is?

We have got a Treasurer and a Prime Minister who have decided to use taxpayers' money to bring out an Intergenerational report which simply reframes their Liberal Party ideological agenda and they are going to insult the public even more by using taxpayers' dollars to run an advertising campaign to try to reboot the government. That is what this is about and it is junk. That is why this has to be rewritten. It needs to be rewritten because it has insulted every serious economist and every scientist in the country. Alan Pears, a highly regarded scientist, has come out and said that, if this were written 20 years ago, it might be reasonable. That is the kind of dump that is happening on this report from everyone who has a serious policy or evidence based background.

The amazing thing for me is that people keep saying, 'Oh, the Liberal Party manage the economy.' Really? The Liberal Party are not taking into account the two overwhelming threats identified by the World Economic Forum: global warming, the greatest challenge facing the planet, and wealth inequality. Those two things are coming at us left, right and centre and they are destabilising communities. Here in Australia we have a government which completely ignores global warming and wants to drive wealth inequality by attacking the poorest in our community, trying to get them to pay much more for health and education while letting the big end of town off the hook. We had another example of it this week when the government moved with Labor's support—to their shame, I must say—to give the mining industry another $100 million worth of exemptions and subsidies for exploration and to give the big end of town the benefit of the doubt: 'Oh, they simply were inadvertently making false claims on their tax.' It is disgraceful.

Question agreed to.

COMMITTEES
Publications Joint Committee

Report

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (15:39): I present the 13th report of the Publications Joint Committee.

Ordered that the report be adopted.

Senator O'SULLIVAN: I present additional information received by committees relating to estimates.

Legal and Constitutional Affairs Legislation Committee

Membership

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Agriculture) (15:39): by leave—I move:

That Senator Hanson-Young replace Senator Wright on the Legal and Constitutional Affairs Legislation Committee for the committee's inquiries into the provisions of the Migration Amendment (Maintaining the Good Order of Immigration Detention Facilities) Bill 2015, and into the provisions of
the Australian Border Force Bill 2015 and related bill, and Senator Wright be appointed as a participating member.

Question agreed to.

MINISTERIAL STATEMENTS

Intergenerational Report: 2015

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Agriculture) (15:40): On behalf of the Treasurer, Mr Hockey, I table a ministerial statement and the document on the 2015 Intergenerational report.

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:40): by leave—I move:

That the Senate take note of the document.

I basically seek to continue comments that Senator Milne has made on this report. She made them very eloquently, but there are a couple of key areas in my portfolio that I would like to cover in particular. There is one paragraph on Aboriginal and Torres Strait Islander peoples—one paragraph for our first peoples. Surely the findings of the latest Close the gap report and the fact that we are not on track to meet our targets by 2031 should have sent a hint to the government that, given our commitments and supposedly our multiparty support for closing the gap, we would have had significant coverage in this report of how we actually address the intergenerational disadvantage that Aboriginal and Torres Strait Islander people suffer, particularly in light of the fact that, unless we actually inject more resources and get some more programs in place, we are not going to be able to close the gaps by the target dates we have established.

This is an intergenerational report that does not mention intergenerational inequality, but that is what we are in danger of generating in this country. Last year the Community Affairs References Committee held its inquiry into inequality, and we produced a report that clearly demonstrates that we have inequality in this country, that it is—

Senator O'Sullivan: Have you read it?

Senator SIEWERT: I chaired the committee inquiry into inequality!

Senator O'Sullivan: That's not what I asked.

The PRESIDENT: Order on my right! Ignore the interjections, Senator Siewert.

Senator SIEWERT: The Intergenerational report does not look at any new measures when we start addressing issues like inequality. It still has in it that great big barnacle of kicking young people under 30 off income support for six months. That is going to increase inequality. It is going to make it harder for people to find jobs. In the report, where it talks about having to increase productivity and needing to find more jobs for people, that measure—one of the very measures that will undermine a young person's capacity to find work—is still there. There is none of the innovation that community organisations have been talking to the government about or that academics and experts in the field have been providing to government. There is no talk about intergenerational inequality and no talk about inequality. There is nothing different about how we are going to change how older people work and nothing about the retirement income review that we know has to be carried out and that the Council on the Ageing has been calling for for a significant period of time. No, we'll
stick with the failed budget measures and can expect more of the same failed budget measures that want to increase the retirement age without putting in place any measures supporting older workers, without acknowledging that, unless we do something, we are going to have a group of older Australians who are out of work for a very long time because of age discrimination and because they are not getting adequate access to training and further educational opportunities.

This—as Senator Milne said—should be binned. It should be put in the bin and they should start again. It is only a justification for the government's cruel budget measures, and it is more of what we can expect in May. They want to waste money scaremongering to the Australian community about how bad the situation is, justifying their cruel budget measures without showing any innovation or policy measures for addressing issues such as older people. Yes, they want to maintain work, but they may not want to work full time. They may want to mix a little bit more leisure in there. How are we going to change our workplace unless we get some innovative approach from this government? This report fails to do that.

If one of my interns had done this I would have sent it back. It is truly what you would expect from somebody at university finishing their graduate degree. It is not a sophisticated analysis of intergenerational issues. Not mentioning climate change and the impact it will have on our economy shows what a dud this report is. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

MOTIONS

Coal Seam Gas

Senator LAZARUS (Queensland—Leader of the Palmer United Party in the Senate) (15:46): I, and also on behalf of Senator Wang, move:

That the Senate—

(a) acknowledges that the possible impact on human health and our water resources from coal seam gas (CSG) mining is not well understood; and

(b) calls on the Government to:

(i) act with caution and stop approving CSG projects until such time as CSG mining is considered completely safe by scientists and qualified professionals, and

(ii) establish a royal commission into the human impact of CSG mining.

As I said earlier this week, in the short time that I have been working for the people of Queensland as a senator for the Sunshine State, I have come across many issues. One of the most distressing ones involves the plight of farmers and property owners in rural and regional Queensland.

On the weekend I travelled to Dalby and Chinchilla to speak at a community forum on the harmful impact of coal seam gas mining in the region, and to tour properties affected by CSG mining. I should note it only took me four hours to travel by car from Brisbane to Chinchilla. When I arrived, to my surprise, I was told by locals that I was one of the first federal politicians to visit the area and inspect the damage caused by CSG mining.

The community forum I spoke at was organised by wonderful local people, including the lovely Shay Dougal. It was attended by some 100 people from across the area. Apart from
me, speakers included industry experts, concerned landowners and farmers affected by CSG mining. It was clear from the forum and feedback from the locals that the people of Chinchilla have come together to support each other in the wake of a CSG mining tsunami, which is ripping the region apart.

Having toured properties affected by CSG mining on the weekend I can understand why. While most people in the cities and urban areas across Australia get on with their daily lives, the good people of rural and regional Queensland are being devastated by the impacts of CSG mining. This is one of the most contentious, environmentally and socially destructive forms of gas extraction known to the developed world. It involves drilling holes deep into the earth to tap into gas trapped in coal seams.

Coal seam gas is principally methane found in underground coal seams, where it is trapped by natural water pressure. Often the coal seam gas is found below premium agricultural land. To extract the gas, CSG mining companies undertake drilling—often horizontal drilling—across large areas of land to access underground coal seams. They inject a toxic and poisonous mixture of chemicals into the ground to ease the extraction of water and gas. In many cases, they need to undertake hydraulic fracking to break up the underground coal seams to extract the gas. This involves injection of vast volumes of water, under pressure, combined with a mixture of chemicals to break up the underground earth, to fast-track the process of gas extraction.

The chemicals and compounds used in fracking are mostly unknown. Gas companies do not like to disclose their toxic recipes. When gas companies drill down deep into the earth to extract the gas, they also extract vast volumes of water from the underground water table. The produced water, which is water that has been extracted and/or injected and then extracted with megatoxic cocktails of chemicals and compounds, is then dumped into ponds that sit on people's properties.

In Queensland landowners virtually have no rights. Incredibly, landowners in rural and regional Queensland do not have the right to say no to CSG mining on their properties. As a result, the industry has enjoyed unrestrained growth and, in the view of many, unlimited access to people's land. I need to stress that we are talking about land privately owned by our very own citizens. We are talking about land on which the people of Queensland live, farm, manage their stock, run their businesses, raise their families and play with their kids.

CSG companies simply knock on their doors and through bullying, intimidation, threatening behaviour, relenting pressure and other tactics force their way onto people's land. They threaten farmers with legal action or tell them they will take them to the land court. Landowners are left distressed and feeling like they have no option but to be forced into lifelong contracts to have CSG mining undertaken on their properties—because they cannot afford the costs of a lawyer to help them out.

People living on the land in Chinchilla are not connected to the town water. They get their water from rain tanks, dams, bores and wells. The people of Chinchilla, like many other Queenslanders living in rural and regional areas, survive on groundwater that they access on their own land. They also rely on rainwater to fill their tanks. This water is their lifeline. They use the water to live, drink, shower, feed their stock, water their crops and operate day to day. Thanks to CSG mining, they now have no water, and the water they do have is being
contaminated by CSG mining—mining which is taking place on their own properties as well as on properties nearby.

CSG mining rapes the land. It bleeds the underground watertable dry. Experts estimate that it will take hundreds of years for water to return underground, if at all. Farmers' wells and bores have gone dry. People in regional and rural Queensland have no water; instead, methane gas bubbles up from the bores and wells, and their water-tank water tastes like metal. There is so much dust and other pollutants in the air from CSG mining activity that the rainwater sometimes rains black, and the water collected in rainwater tanks is obnoxious.

Tests have revealed that the water contains chemicals as well as heavy metals. Farmers and their families are becoming ill. They are suffering from headaches, breathing issues and a range of other health problems. Children are having seizures and waking up with blood noses. Farm animals are losing their hair and dying. The toxic chemicals used in coal seam gas extraction are making their way into the land, air, water and people.

From above, the land in Chinchilla is littered with CSG wells, networks of piping, plants, ponds, low-point drains, high-point valves and other infrastructure. The value of properties affected by CSG mining has plummeted. Farmers cannot sell their land, and their land is now worthless because it no longer includes clean, safe water. Many local property owners in Chinchilla estimate that they will die before CSG mining projects are completed on their properties. Once CSG mining companies set up on a farmer's property, it is impossible to get them off, regardless of the damage caused, and the projects usually last for up to 30 years.

My trip to Chinchilla was an eye-opening experience and, to be honest I was deeply distressed. I visited properties that have been decimated by CSG mining. One property owner took me on a tour around his property. He has some 15 CSG wells on his property, and the CSG mining company is proposing to put more on his property. The wells are running constantly, sucking up vast volumes of water and gas, which is piped to a nearby processing plant.

On the property next door, large open ponds of toxic water used in the CSG mining process are exposed to the air. The toxic water is seeping into the ground and evaporating into the air. As the property owner was explaining that his land, his life and his future had been destroyed by CSG mining, he was wiping his eyes. His eyes were red and inflamed. He is unable to spend much time on his property as the air stings his eyes and causes his nose to bleed.

The feeling of despair being felt across this area of Queensland is palpable. Property owners and farmers throughout this area are not only being affected healthwise; their properties have lost all of their water. Their bores have simply gone dry.

While CSG mining companies have an obligation to make good if damage does occur as a result of CSG mining, landowners are put through the most extraordinarily complicated processes and hoops to have issues addressed and fixed. On top of this, property owners have to prove that they have suffered damage and that the damage has been caused as a direct result of CSG mining. In fact, the processes are made so complex that landowners break down from the stress associated with the damage and of trying to get help.

What good is a 'make good' arrangement, if the region is raped of water. As I have already said, underground water does not just reappear in days; it takes hundreds, if not thousands, of years for underground water channels to be replenished. And even if this does happen, the
chemicals and toxins, which have been injected into the earth by the CSG mining companies, would recontaminate the water as the chemicals take aeons to break down.

While I support the resources sector and value its role in our society, we cannot and must not allow the health of our people to be compromised. Therefore I would like the government to establish a royal commission into the human impact of mining, in particular CSG mining; and establish a resources ombudsman. An independent resources ombudsman will provide the people of Australia with a point of contact to resolve mining and CSG mining issues.

The ombudsman would be an advocate for the people. It is about time these people had someone on their side. In my home state of Queensland, all levels of government have let the people of Queensland down. We provide legal aid, at the expense of taxpayers, to assist people charged with sex offences against children; and yet we are allowing the decent and hardworking people of rural and regional Queensland to have their lives decimated by CSG mining without any assistance or access to taxpayer funded support.

I cannot believe that this is happening in Australia, but it is. All Australians should be very, very concerned. Farmers and landowners across Queensland are being treated in the most deplorable manner. These people are Australians—Australians who have served in our military to defend our country, lost relatives, and fought and died for our nation. These people are the very fabric of our country. They do not deserve this treatment and they deserve our help.

Let us start to make things right today. A royal commission into the human impact of CSG mining and the establishment of a resources ombudsman would take us in the right direction. A royal commission would look into all aspects of the human impact of CSG mining. This needs to include how many people have been treated, exploited and harmed as a result of CSG mining. In addition, as outlined in our motion, we call on the government to cease the approval of any further CSG mining projects until such time as a royal commission has been undertaken and scientists and industry experts determine CSG mining to be safe.

Yes, there is no doubt that CSG mining is bad for the environment but, importantly, it is also bad for health. The human impact is deeply, deeply concerning. The government has an obligation to ensure that we put the rights and health of people first. I strongly urge my Senate colleagues to stand up for all Australians and support this motion.

FIRST SPEECH

The PRESIDENT (15:59): Order! Before I call Senator Muir, I remind honourable senators that this is his first speech; therefore, I ask that the usual courtesies be extended to him.

Senator MUIR (Victoria) (16:00): This is not my first—hang on; it is, finally! It may have taken eight months and four days, but finally I am standing here in this great chamber presenting my first speech. One of my crossbench colleagues mentioned this morning, 'This must be one of the most anticipated inaugural speeches of all time.' Thanks, Senator Leyonhjelm—no pressure! I apologise in advance in case I do not deliver. Lately I have been receiving a lot of questions about why it has taken me so long. I think one old saying can sum this situation up quite well, with no confusing political spin, and that is, plainly and simply: better late than never. I would like to thank everybody for being here and I would like to thank the people of Victoria for giving me the opportunity to stand here before you all, an
opportunity that only 571 people since Federation in 1901 have ever had the honour of experiencing. I still pinch myself on a regular basis to make sure I am not dreaming.

Today, as I present this speech to you all, I am wearing a suit. Before 7 September 2013, I did not own a single suit and I had no intention of ever owning one—and this topic I will get back to a little bit later. But, first, why would a rural-based, family-orientated timber industry worker with a love of family time, four-wheel driving, the bush, dirt bikes and competing in motorsport put his hand up to relinquish his quiet, idyllic lifestyle for the fast paced, highly stressed and highly scrutinised lifestyle that comes with being in the political spotlight? I will start, perhaps, with the definition of democracy:

Democracy … government by the people; a form of government in which the supreme power is vested in the people and exercised by them or by their elected agents under a free electoral system.

Further to this, may I quote the first line from the Museum of Australian Democracy website under the heading 'Australian democracy: an overview'. It states:

Australia is a representative democracy. In this political system, eligible people vote for candidates to carry out the business of governing on their behalf.

To stand for either house, a person must be at least 18 years of age, an Australian citizen and an elector entitled to vote or a person qualified to become an elector. I ticked all the boxes to qualify to become a senator, just as I imagine our forefathers would have intended when creating the independent upper house in 1901. I honestly believe those watching at home, reading online or reading in the papers should always have the opportunity to stand up to represent their peers. Our Senate and the decisions which govern our lives should not be solely represented by the political class. But that still does not explain why I gave up that idyllic lifestyle to sit here in this great chamber with great pride to be able to present this speech.

I want to briefly refer back to the definition of democracy and subsequently the definition of representative democracy. As a voter, I never agreed to be restricted to a two-party system, and I hear many others say the same. I was continuously unsatisfied that what appeared to be our only options at the time of an election were between two parties that were so ideologically different that middle ground was nowhere to be seen. I was unsatisfied that our elected representatives were bound by preconceived party positions, which in turn goes against the very definition of representative democracy, as the voices of the people that they were supposed to represent seem to somewhat fall on deaf ears. If every person sitting in this room voted to represent their state, after taking on their constituents' views, like I believe the Senate was originally designed to achieve in 1901, when Federation was formed, and if all senators voted with their conscience, only then would we see the true representative democracy that Australia could be proud of. And that is why I stood up to be heard.

I, like so many other Australians, am fed up with big political campaigns where, in the lead-up to an election, we are told, 'There will be no carbon tax under a government I lead,' or 'There is no way a GST will ever be part of our policy,' or perhaps, in more modern times, we are told that there is a mandate to repeal the carbon tax, only to find out after the election that this so-called mandate also includes 'fixing the budget' by hurting the disadvantaged in a barrage of measures that people were mute about in the election campaign. 'There will be no changes to education, health or the renewable energy sector,' and then, before you know it, bam, we are all faced with the biggest changes to our university sector since 1989, when
HECS was introduced; reform that will completely change our Medicare system and could damage primary health care, potentially leading to negative health outcomes; not to mention the complete uncertainty in the renewable sector, which is affecting investment and stopping projects from beginning—projects which will create employment. This is just the tip of the iceberg, and, to add insult to injury, this was done with little to no consultation. That does not sound like democracy to me. What justification is there for this? It usually sounds something like this: 'We had to make the hard decisions because of the mess that was left behind because of those opposite.' Is this fair on the Australian public, who voted under the impression that a government would honour its word? I can answer that, and the simple answer is no.

Since I was elected, there has been plenty of commentary on how the voting system is broken and undemocratic, which in my eyes completely misses the point. For my crossbench colleagues and I to be elected, people had to be voting for parties other than the major parties, and they did—a huge 24 per cent in the Senate. In my view, if you want a simple explanation of how this could occur, all the major parties need to do is to take a long, hard look in the mirror. I can tell you now: the system is not broken and does not need to be fixed. The disconnect from the average Australian, the way you treat the voters of Australia by saying one thing but doing another, is, in my view, why voters are looking for alternatives. Then there have been statements thrown around such as: 'The Senate is dysfunctional and unworkable.' Yet, when speaking to many around these halls, it seems pretty much business as usual. Perhaps people are getting the Senate and the government confused!

Today I would be far more comfortable standing here before you all in jeans and a T-shirt or perhaps the working attire which I have worn for the majority of my working life: Hard Yakka trousers, steel-capped boots and a high-visibility shirt, the attire that represents a working-class background which I am proud of. I would be more comfortable in that attire, because that is who I am.

Since winning my seat, I have been offered a wealth of advice—say this, do this, don't do that and so on—but the most important thing I have learnt, and indeed have also had encouragement to do, is to simply be myself. Sure, I came up pretty bad in a debut interview with Mike Willesee, but I was never going to let that bring me down. It became a point of reference for me to look back to at later stages of my life. I knew they had the footage, and I presumed they would use it, so I would like to pass on a thankyou to Mike Willesee because he contributed to teaching me a valuable lesson, and that was really just to be myself.

My family background was not that of a political one. As a child growing up, my political know-how was usually that of witnessing my father or my grandfather being quite vocal, at times intensely vocal, at many different politicians across the lounge room to the TV, where the unaware pollie was safely nested. It was a good way to learn the meaning of words I could not even find in the dictionary and teachers would not dare decipher.

I grew up in rural Victoria and was born at Maffra Hospital in Gippsland. I attended Stratford Kindergarten—two years in a row, would you believe, because, as it turns out, I was antisocial and kept to myself. I spent my primary school years at Boisdale Consolidated School, which is nested in a rural setting at the base of the Victorian high country amongst some of Victoria's prime agricultural land. I spent all my primary school years there except for a small stint at Dargo Primary School in the Victorian high country, whilst my father was working in one of the now non-existent timber mills.
When I was about 11 years old, my father had a bad motorcycle accident, breaking every rib, front and back, on his left-hand side, breaking his collar bone and destroying ligaments in one of his ankles. My mother had a bad back that needed surgery. Work was scarce and we struggled. I watched as other kids at school went on holidays with their families, wore brand-name clothing, attended concerts that I would have died to attend and got to enjoy some of life's simple luxuries that were simply out of reach for us.

Despite this, I think it is important to mention now that we may not have had much money growing up, but we were raised with love. I learnt to enjoy the simple things, and I am very proud of both my parents for doing the best they could with what we had.

My high school years were spent at Maffra Secondary College. This is where my schooling years were to end and the real-life experience began.

By the time I was 15, nearing 16 years old, my focus on schooling was minimal at best and a struggle at worst. I knew what I wanted to do, and that was to get out and enter the workforce. I had spent my time as a child growing up below the poverty line, despite my parents' best efforts, and wanted to do my best in the workforce.

I knew what I wanted to do; it was not to enter a long course of expensive education to become a lawyer, a doctor or a political apparatchik. I wanted to work in earth moving, or on a farm, or in manufacturing, a factory, or as a mechanic, with tools—to wear stubbies and hi-vis and have the constant pale shade of a singlet embedded on my otherwise tanned skin. I was not afraid of hard manual labour and had no interest in earning millions. I just wanted to be able to support myself and enjoy some of the things that I had previously missed out on.

During this period I got to learn firsthand how hard it can be to find employment as a young school leaver and had to find ways to be able to better present myself to employers in an effort to at least land an interview.

Contrary to this, as time progressed I also learnt the benefits of working hard and striving to achieve. Naturally, I am also aware of the benefits of budgeting hard and saving for a rainy day.

I do not have a long political past to speak about. I cannot speak about a time where I was a staffer for another senator or member or speak of time spent in university whilst completing a Bachelor of Political Science. I do not have a long seeded history with a traditional party with deep seeded policy positions and rehearsed catchphrases to sell.

And I do not mind.

I have a long history of living at the receiving end of legislative changes, of feeling the squeeze of new or higher taxes, feeling the pressure and even losing sleep when you realise that the general cost of living just went up a tiny $20. To everyone sitting in this chamber, if you think $20 a week is nothing, or just a pack of cigarettes or a few beers, you have never lived in the real world.

I have worked in manufacturing, on farms both vegetable and dairy, in a bakery, in pine plantations, at a tannery processing automotive leather, gardening and lawn mowing, and most recently in the timber industry, both soft and hard woods.

Like so many others, through the lessons learnt of doing it hard I was able to learn the benefits of trying hard to achieve, and the benefits of furthering my skills to give myself a
competitive edge in the case of a downturn. But I also learnt and experienced how no work, knock-backs from job applications, and struggling to put food on the table and keep on top of the bills at the same time can bring a feeling of low self-esteem and depression.

I have fulfilled roles such as a leading hand, a first aid officer, a health and safety representative, a supervisor, for a short time a manager, and even a shop steward for Minister Abetz's favourite union, the CFMEU—in the forestry division, for the record.

I have been the beneficiary of penalty rates. I worked shift work and weekends not for the love of the job but because there was financial incentive to do so. I did it not only keep my head above water but to actually have a few bob left over each pay to support my hobbies and interests. As we know, this is called disposable cash, and in my case this was spent on hobbies such as riding dirt bikes with my wife and children, buying camping supplies as it was an inexpensive way for us to go on holidays, maintaining my four-wheel drive and competing in affordable grassroots motorsports. That disposable cash ended up supporting Australian manufacturers in the aftermarket industry, local businesses, communities and retailers, helping create and maintain Australian jobs. Without the reward of penalty rates, this money would not have circulated through our economy, and I am one person; there are millions more who support different sectors in the economy just by being given that little extra for their efforts. This is something all levels of government need to consider when reaching into the purse of taxpayers Australians when they think they need to tighten their belt. Where you may gain somewhere, you may lose elsewhere, and at what cost?

I can tell you, as somebody who was not born into wealth, who has had to work my way up with absolute honesty, that working-class Australia is absolutely sick to death of working our lives away just to pay the bills and having to struggle to spend the very money we work hard to earn on actually enjoying our existence rather than feeling like a slave to the dollar.

Let me quote part of Prime Minister Abbott's budget reply speech from May 2011, when he was the Leader of the Opposition:

Tonight I want to reach out to Australian families: to small business people, police, nurses, firefighters, teachers, shop assistants and workers in our steel mills and mines—the people who are the backbone of our society and our economy. I do not think you are rich. I know you are struggling under a rising cost of living. And I know you are sick of a government that does not get value from your taxes.

So my commitment to the forgotten families of Australia is to ease your cost-of-living pressure.

But now, four years later, I feel like I could use that section of his speech myself. I will quote another line from that budget reply speech:

We will increase the education tax rebate for all families to $500 a year for primary and $1,000 a year for secondary students and make it available for all expenses connected with education, including school and sports fees.

Well, I am glad, four years later, we have a strong crossbench representation because the education tax rebate was to become the school kids bonus and, alongside my crossbench colleagues, I was able to help retain it. I would like to present one last quote from that budget reply speech:

People are entitled to change their minds but national leaders cannot on something as important as a great big new tax on everything unless they first validate that change by seeking a new mandate at an election.
I do not recall a mandate for education reform, for Medicare reform or to completely damage confidence and investment in the renewable sector. Not to be a hypocrite though, I must admit that in my time here I have changed my mind on one thing, that being FOFA. But I did so in the realisation that perhaps I had made an error of judgement in the first place. I changed my mind not for the benefit of big institutions but for the benefit of ordinary Australian consumers. I am a big enough man to admit I am not perfect and may make some mistakes from time to time. But I am happy to own up to it and to try to rectify it.

I believe in consumer choice. An example would be an area that has been discussed a lot in recent times, and that is food labelling. As a consumer and proud Australian, I am happy to look past generic, cheap brands to pay a little extra for an Australian product—a product where our farmers are supported, where Australian citizens are employed, where Australian owned businesses circulate revenue through our own economy rather than abroad. I am also supportive of mandatory labelling of genetically modified foods. Remove the argument of whether the science is right or wrong and simply give the consumer the right to make their own decision as to whether they choose to eat it or not. Give the consumer choice.

In the lead up to the 2013 federal election, at a time I was making short videos about responsible four-wheel driving, promoting the lifestyle that I and thousands of other Australian families love, the Australian Motoring Enthusiast Party was forming. I was contacted by a member of the party executive—who is actually in the gallery today—another keen four-wheel driver, who had seen the message I was sharing through social media in relation to responsible access to our state forests and national parks. As it turns out, I was not the only one. Founding members of the party with a similar drive and passion were promoting the social and economic benefits of the motoring culture and calling for the community to come together to send a strong message to government that we are not a minority and must be respected. I joined the party, put my hand up to run as a candidate, and the rest is history.

The motoring community is diverse, and I was introduced to many dedicated enthusiasts from a variety of different backgrounds and interests—from four-wheel driving, streetcars, hot rods, classic cars, modified cars, race cars, imports, trucks, dirt bikes, road bikes—all coming together to get a united voice, coming together as a community to make a stand against the unfair stereotyping and media sensationalism that motoring enthusiasts are all too often caught up in. It is unfair to judge a whole community of people because of the actions of a few. The focus needs to move away from the vehicle and onto the behaviour. After all, cars do not hoon, it is the idiot behind the wheel.

Our message is clear. We are not environmental vandals tearing up the bitumen or destroying our bushland. We are responsible, law-abiding citizens who loves our cars, our families and our culture, and it is offensive to a whole community of people to be tarred with the same brush as those who engage in antisocial behaviour on our roads or the minority who disrespect our national parks. Most importantly, we came together to get a voice to stop unfair legislation being brought in with little or no consultation with our community—legislation that potentially could see our culture legislated out of existence.

With vehicle manufacturing in this country coming to an end in 2016-17 and the urgent need to refocus our skills on rebuilding the motoring industry in Australia, we believe it is no accident that we are here at this important time in our history. The Australian automotive aftermarket industry alone is an $11 billion industry that employs some 30,000 people. It is an
industry that is responsible for things from wiper blades to four-wheel-drive accessories, suspension components, tyres, brakes and replacement brake components, parking sensors, reverse cameras, tools, coolants, lubricants, testing equipment and so much more. The primary manufacturing base of the aftermarket industry is four-wheel-drive parts and accessories, with four-wheel-drive parts and accessories being a $2 billion industry, comprising $1.25 billion in parts and accessories and $750 million in tyres. They export to over 100 countries and are recognized as global leaders in design and manufacturing of four-wheel-drive parts and accessories. That, Mike Willesee, is what the aftermarket industry is.

The Motoring Enthusiast Party are strong supporters of motorsport and are keen to spread the word on the social and economic value it brings to our community, particularly in regional areas. Recently, Ernst & Young prepared a report for the Confederation of Australian Motor Sport that reported four-wheel motorsport contributes $2.7 billion to the economy and creates 16,181 jobs.

The core values of the Australian Motoring Enthusiast Party are values that I share. The one that stands out to me the most is that we believe that all levels of government are servants to the will of the people. I do not want to use my position to be an obstructionist, but I do believe that I have a great opportunity to express the views of my state and my constituents and to try to balance legislation with the view of whether it is fair or not. Good ideas well presented will get support. Bad ideas or ideas that are likely to hurt those who are worse off will not, or they are highly unlikely to be supported. Further—and perhaps this message best applies to the government—good ideas that are poorly presented are also unlikely to be supported. Some may say that the current government has no good ideas, but I will leave that debate for another time.

I am proud of my achievements to date. To save ARENA in my first weeks was an incredible feat, and, as I once said, if I never achieve anything else I could still be proud of that. I am proud of contributing to the retention of things like the school kids bonus and low-income super contribution. I am glad I was able to help the government to achieve a $1.1 billion saving over the forward estimates only after they agreed to Senator Wang’s amendments through the research and development tax concession bill.

But, without a doubt, and although one of the most emotionally challenging decisions I will ever have to make, my most proud moment of my short time in the Senate was having the ability to prevent 31 children and their families from returning to Nauru. I would have liked to have achieved more, but I did the best I could and cannot possibly begin to explain the emotional roller-coaster that came with it. I hope into the future that I am able to continue to have positive input to decisions that affect us all.

The Treasurer has said that the best form of welfare is a job and, in some circumstances, I agree. I believe, in that case, that it is the role of the government to create these jobs, not just in highly populated areas but also for those in rural, regional and remote areas. I have spoken with farmers who would love to employ apprentices but who struggle to get youth to the area. I have spoken to youth who would love to get a job, but who cannot get access to transport to a farm. It is our job, as representatives of the people, to try to create targeted programs to help get people into employment. I am supportive of rural and regional growth and employment. I understand that industries like our timber industry are not only sustainable and managed to world-class standards but also bring wealth and employment to regional areas.
There are so many other different areas that I could talk about today, but I do not want to put you all to sleep. My journey to date has been exciting, fast, emotional and intriguing; a change of lifestyle that, without prior experience in politics, I could not possibly prepare myself for. It is a change that would have been impossible to adapt to without the strong support of my family and friends.

Firstly, I would like to acknowledge my family and friends who could not be here today. I received numerous apologies from those who could not make it and I would like to thank them all: my father, two sisters and my grandparents from both sides of the family, including those of my wife. I know you would all be here if you could and I honestly appreciate all the support you are showing and have offered since the election. I would like to thank those who gave and offered assistance while I embarked on this whirlwind journey. I have been given so much advice that I could not possibly ever remember it all!

I would like to thank the family and friends who are here: my mum, Peter, Daniel—I do not know where to start! There are people everywhere!—Maurie, Taylor, Matt, Ozzy, Kiara and Tracy. I will not go through my kids just yet. Everybody else who I have missed: I thank you all for being here. I really do appreciate it. It means a lot to me.

I would like to make a special mention of my best friend, who happens to be sitting in the gallery. For 30 years we have maintained a bond that has been impossible to break. We have supported each other through hard times and good, fought occasionally—maybe, at times, regularly—but always been there for each other no matter what. Over the years we have constantly competed against each other: when we were young over things like who had the biggest muscles; now, over who has the biggest belly! Who could jump their dirt bike the highest or longest or who was quicker on the drag strip? It was me, for the record! Now, that is permanently on the record! But I suppose, to be kind: although I may have been quicker on the drag strip, I reluctantly inform you all that I cannot catch him on our local hill-climb track. Matt, you may be my brother, but you are also my best friend.

Now to the unscripted part! I would like to thank my wife and children for being here. I will start, perhaps, with Dylan, my eldest son. I was nearly your age when you were born. We have been through some very interesting times and I am so proud of where you are now. I cannot find the actual words to express how proud I am. Your life could have gone anywhere, but you are here with us, you are here today and you are turning into an amazing young man. I am very proud of you.

Phoenix: hello sweetheart! The day I found out mummy was pregnant all I wanted was a little girl. Then I remember seeing the ultrasound and realising, ‘That’s a girl!’ Then you were born. You have never ceased to amaze me since day one. You are so smart and clever, and everything you do is just incredible. I am so proud of you, sweetheart.

William: how are you going mate? You are hiding your head there! Is this embarrassing? You are a spitting image of me—everything I did when I was younger you do now. You are so athletic at your football—you are so clever.

Senator Abetz: A senator in the making!

Senator Muir: Perhaps you could be a senator in the making, as Senator Abetz just said! I just want to tell you, mate, that I love you.
Tarja—where are you Tarja? I will not embarrass you too much, sweetheart! But, again, I am so proud of you—of all my children—of where you are. You do such a good job.

Tristan: hello mate! I could hear you screaming out to dad! He is two years old and he has me wrapped around his little finger. Again, I cannot find the words to say in this moment but you are such a part of me, mate, you really are!

And to my wife, Kerrie-Anne: I do not think that I would be standing here today if it were not for the support of my wife. Not only does she look after the children when I am working in the office in Sale, she also comes to the office in Sale. She does everything she can to try to make sure that I am home to eat tea with my wife and kids. She is absolutely dedicated to helping me out here. We actually get the kids looked after and she will come up here and assist in the office. And I say to her, ‘From the day I met you, I have only had eyes for you. For the 11, 12 years that we have been together, my life has only got better and better. I thank you for that and I thank you for my family. I love you very much.’

Now, I would like to refer back to my suit. I wear this suit out of respect for this great chamber and the position I hold. But, most importantly, I wear this suit to represent people just like myself. So many politicians say the right thing at the right time, but do the opposite. Do not judge me by what I say; judge me by what I do. Thank you.

**MOTIONS**

**Coal Seam Gas**

Debate resumed on the motion:

That the Senate—

(a) acknowledges that the possible impact on human health and our water resources from coal seam gas (CSG) mining is not well understood; and

(b) calls on the Government to:

(i) act with caution and stop approving CSG projects until such time as CSG mining is considered completely safe by scientists and qualified professionals, and

(ii) establish a royal commission into the human impact of CSG mining.

Senator WILLIAMS (New South Wales) (16:33): How the years fly—quickly. I will take you back to November 2011, when the Nationals released a blueprint on coal seam gas that outlines five key principles covering the environmental, economic and social impact of coal seam gas developments:

1. no coal seam gas development can damage aquifers or water quality,
2. no developments should occur on prime agricultural land,
3. no developments should occur in close proximity to residential areas,
4. landowners deserve a return, not just compensation, from a resource on their land, and
5. real investment must be made back in the communities that generate our resource wealth.

I would like to expand on those principles, one by one. First, ‘no coal seam gas development can damage aquifers or water quality’: this is a vital issue. The underground water—and I refer to places like Liverpool Plains—is vital. That is some of the best country—I will not say in Australia—in the world. That land is only about three per cent of this planet Earth. It needs to be protected. It is a food bowl for the future generations to come. While I am about this place probably the thing I concentrate on most of all as a senator is the question, what do we
do for future generations? I look back at the history. I look back at my family, my grandfather fighting in France during the First World War, putting his life on the line for the democracy we enjoy today, and likewise my late father, Reg. He was rear-gunner in a Lancaster bomber. They developed our land, and it is up to us to protect our land. That is why I was saying only recently that when my wife and I purchased our small farm near Inverell the first thing we did was take a bulldozer into that farm and improve the contour banks. The contour banks were getting flat, which means they faced serious soil erosion. We do not want our soil washed away; we want to protect it.

Point No. 2: 'no developments should occur on prime agricultural land'—and how true that is. I refer again to Liverpool Plains, that great country where I do not think there should be any sort of mining. It should be protected from coal seam gas and coal mining, and I will expand on that in a minute. And No. 3, 'no developments should occur in close proximity to residential areas': if people are there first, those people should be respected. If you build a house, for example, and all of a sudden the council comes along and puts a set of cattle yards alongside your saleyards, then you were there first and you should be compensated. If you happen to buy a house near cattle yards that have been there for many years, then be prepared for the noise and do not expect compensation. It is your decision. But people who were there first should be respected and have peace of life.

The fourth point is on royalties, because this gas used to be owned by the farmers, until the state governments took it off them—the Labor governments in South Australia and New South Wales especially. They should be compensated for their resource or any interruptions, and not just a tuppence or a box of beer but proper compensation, a proper royalty to them. And when those royalties flow into the states they should be putting some of that money back into the community, just like the Royalties for Regions in Western Australia. But what has happened is that this has become a political issue. There is far more politics involved than anything, now.

I want to say this: I went and saw for myself. About eight months ago I went to Santos's works at Narrabri. We went out to the wells they have drilled in the Pilliga Scrub, and Pilliga Scrub it is. I have been fortunate enough to spend all of my life in rural Australia, and I know I can look at land and tell you whether it is good land or it is really ordinary land—which we call 'backwards store wallaby country'. When we went to the well out there in the Pilliga Scrub, it was pretty ordinary country. I do not think you would feed a wether on 15 acres. You might even see the odd wallaroo, but I think they would be battling for a feed. It is very ordinary country.

I went to Santos for one reason: to find out for myself because we hear so much emotion, so many complaints, so many worries et cetera. The group—there was a busload of us—saw the geologists and the description of underground land. I said, 'Now, you prove to me how you will not disrupt or pollute the Artesian Basin catchment here. You prove to me how you will not interfere with underground aquifers.' They took us all through the whole works. We said, 'What about all the salt? What are you going to do with all the salt you pull out? What about the dirty water?' They took us to the water ponds they were building, with three layers of sealant so not a drop leaks through. We said, 'What are you going to do with the water?' 'When it is filtrated, it will be irrigating next door; we will probably grow a lucerne crop.' So they took us right through the whole issue.
The sad thing about it was that the gas they are producing now is flared—the methane gas is just burning away 24/7. You cannot use it for the gas-fired power station at Narrabri, because under the law if that gas has been extracted through exploration, before you are licensed, you are not allowed to use it for commercial use. Instead of just burning the gas 24/7 you could hook it up, in a matter of hours, to the local gas-fired power station and provide electricity for some 300 houses. But no—it just burns away. That, to me, is crazy.

New South Wales imports 95 per cent of its gas. Where does it get the five per cent it has got? It is actually from the AGL site out at Camden, west of Sydney, where they have had a number of wells—I am not sure how many; I will have to go there and look for myself—that have been there for about 19 years providing that gas. It has not been a problem, thank goodness. It has not been a problem and I hope they are doing it right. If there has been a problem it is certainly something I have not heard about. Then several months ago I went up to the Santos operation in Roma, in Queensland. We actually spoke to the landowners. We saw what they were doing. We spoke to the businesses. We spoke to the mayor and the deputy mayor and the councillors. One happens to be in local government and owns land with coal seam gas on his property. We went right through once again: 'Prove to us you're not damaging the water.' That is, to me, such a huge issue.

I found what Senator Lazarus said about people with air quality control, bleeding noses et cetera. That is really concerning, so I am going to make my way to Chinchilla at some stage, too. I can assure you of that, to see for myself. I do have some doubts about that because with the coal seam gas at Roma and Narrabri we did not see any of that. It is the first time I have heard of that. What are the environmental and pollution agencies doing? What is the state government doing? What are we doing? I have not had that come to my office; I have not heard of that before. But if it is true then it is very concerning.

Santos and AGL have assured me in my office here—not far from the chamber; you know where it is—that they will never go onto a farm if the landowner does not want them. I have said to them on many occasions, 'Will you honour that word?' and they have said, 'We certainly will.' When I went to Narrabri, where they were working with the landowners, the landowners were happy—they were getting payments. They were getting a good source of income. I would imagine those in the Roma district would be the same. In fact, it is a source of income which would be very welcome given the drought they have experienced for several years there. We kept saying to them, 'Prove to us you're not damaging this. Prove to us you're not damaging that. Prove to us you're protecting the environment.' One of the reassuring things I did get from them was that they employ their own environmental experts who are, in their very words, far more severe to them than any of the government environmental experts. I said to them, 'If you make one mess of this you'll be wiped out; you'll be shut down.'

I do have faith in Santos as a professional company. I have not visited the other companies. I have heard bad things about other companies. I have faith in AGL as a professional company. One thing I think is most important is that this is not an industry for cowboys. This is an industry for professionals, with geologists, environmentalists—and people who do not drop their cameras! This is vital.

I come back to those issues around protecting things for the future. It has become a very big political issue. I will give you some examples. I want to go back to the Liverpool Plains—those magnificent black soil plains with huge amounts of water underneath them. I started this
job in July 2008; in January 2009 we went up and met with the Caroona group. There was former Senator Barnaby Joyce, now agricultural minister; Senator Fiona Nash; Mark Coulton, member for Parkes; and me. We went and met with the people. We took a bit of bark off and shed a bit of skin off; that is part of politics and you take that. But then, we shook hands as adults should do and we agreed to work together.

Senator Rhiannon: You're on both sides of the road, Senator Williams, and you know that. You say one thing when you're out there and you don't—

The ACTING DEPUTY PRESIDENT (Senator Whish-Wilson): Order! This is not a time for debate.

Senator WILLIAMS: Senator Rhiannon, I will get to you in a minute. We shook hands and agreed to work together.

But, I will tell you what, Senator Rhiannon: I will take your interjection. What happened then is that Mr Tim Duddy, representative of the Caroona Coal Action Group, was down here only months later with the former Greens leader Mr Bob Brown, putting a wedge in. Senator Rhiannon would be very familiar with Mr Duddy because he wrote letters to the papers prior to the election when you were elected. He was in here forming wedge motions. To me, it was not a 'shake hands and let's work together.' It was a political stunt which still goes on today. That is why I am not even worried about your political stunts—because when you look at the Liverpool Plains and the Shenhua coalmine, who has done the work? Why has it stopped today? It has stopped today because the member for New England—

The ACTING DEPUTY PRESIDENT: Senator Williams, I will remind you to direct your comments through the chair.

Senator WILLIAMS: Sure. And what about the interjections? Standing order 197—is that still current?

The ACTING DEPUTY PRESIDENT: I have asked the senator to stop her interjections.

Senator WILLIAMS: Thank you very much. So the politics continues. But let's get to the Shenhua mine on the Liverpool Plains. Who has now brought it to a stop? The member for New England, Mr Barnaby Joyce, the Minister for Agriculture, took Mr Hunt up there. Thank goodness for the scientific money that is available—$150 million. I give credit to the former member for New England, Tony Windsor, for bringing that forward—supported by our side of politics, as well, of course.

The politics plays on. Here is a great example; I have to read this out. This is important to you, Mr Acting Deputy President Whish-Wilson. The coalition government in New South Wales, the Liberal-National government, which has been there almost four years, has not licenced any coal seam gas developments. They are all existing licences from the previous Labor government.

Now the politics goes on, as Mr Draper, who was a former Independent member for Tamworth and a member when all of these exploration licences were approved, now comes back and says, 'We're going to fix this issue.' It was the Australian Labor Party in government in New South Wales—and I am sure those opposite will be listening—that approved all of these. It was the Australian Labor Party in New South Wales that took the $300 million from the Chinese company Shenhua and put it in its coffers in agreeing to the exploration of the Shenhua mine. Of course, it was a government very much backed by who? The Greens!
Senator Rhiannon, as a member of the legislative council back in those days, was probably in the parliament and working closely alongside Carr, lemma—I cannot remember all of the premiers they had at that stage—when all of these approvals actually went forward.

Now, we have someone like Mr Draper, who was the member for Tamworth while all these approvals went forward, running for the seat of Tamworth and screaming out that this is a big issue. He is saying that he is going to solve the problem. Give us a break! This is a case of crocodile tears at best when the very person who was the member was sitting there with his colleagues in the Labor Party and the Greens and approved all these very issues.

I will go to what we can do at a federal level. Under the Constitution, we cannot control the land. But we have the Water Act, the EPBC Act—it was brought in by this side of parliament many years ago by Senator Robert Hill. That is why environment minister Greg Hunt has been to the Liverpool Plains very recently. And he was well received, I believe. What has happened now? It has been put on ice so that the scientists can go in and get the facts about what is going on.

I want to add one issue when talking about all this mining on prime agricultural land: something that I was informed about by Senator Heffernan was coal dust. When coalmines were developed in the Hunter Valley, I remember being told by my colleague Senator Heffernan how the coalmining industry bought the neighbouring farms. There was a dairy farm next door. The coalmining company said, 'You can stay on your farm. We've bought it, but you can stay there and continue your business.' It was only a matter of time before the milk from those dairy cows was contaminated, because of the coal dust. That is another reason why I do not agree with the coalmine on the Liverpool Plains or coal seam gas being there, because the next thing will be the dust. As I said in The Northern Daily Leader yesterday, this is a real issue that we do not hear much about: the coal dust from the open mine settling on the food—whatever crop: sorghum, corn, wheat, barley or peas—that needs to be produced in the safe, hygienic and clean manner that we are so proud of in this country. So there is a problem in itself. No country should be totally left alone.

As I said, the politics comes into this all the time. A lady came up to me at AgQuip and said, 'You can't have any of this coal seam gas. It's terrible.' I said: 'Have you got a barbecue?' She said: 'Yes'. I said: 'Where does the gas come from? That is CH4—the methane that powers your barbecue.' If you are going to have coal seam gas, it must be done correctly; it cannot be raced into. You cannot have cowboy companies doing it. It must be done professionally. As I said, five per cent of New South Wales' gas supply has been there for many years now. It seems to be working well. I have not visited the area but I have visited Santos at Narrabri and Roma. It is good to talk to landowners. In stark contradiction of what Senator Lazarus was saying, the landowners seem to just say, 'No problems; good company; work well; up-front; explained everything. Yes, we're getting some good royalties, and it's not interfering with our farming.' This is what the farmers are telling me when I speak to them face to face. It is not what I am reading in the papers in some biased report put together by whoever.

We need energy. We know that. We know we have a lot of coal. We know that we can use that gas, if it is done properly. But if we do not do it properly, we are going to make a mess of our environment for future generations. That is the key issue. I have said all along: tread slowly, tread cautiously. Yes, we have good supplies of energy. It is great to have it in
Australia instead of importing. Ninety-one per cent of the fuel we import is from overseas—petrol, aeroplane fuel and diesel. We need to rely on our own clean energy, but not at the risk of destroying the environment for future generations.

Our predecessors have done their bit to grow our country and look after our country. Sure, we made some errors on the farm. Sure, we cleared too many trees in the Mallee country. Sure, there is too much wind erosion. Now, with better practices of farming, like direct drilling et cetera, and leaving the stubbles on the soil, we are doing it much better. That is the basis of this whole argument: you need to do it properly, not rush into it, see that the state governments do their job and that the federal government, through the limited powers we have in this place when it comes to mining, do our job properly. I have confidence that the environment minister, Minister Hunt, will do exactly that in relation to many of these issues.

We need to protect the environment for the future, or there will be a very blunt, very dark and very damaged future for those in this country, especially our farmers, who have to grow so much food in the years to come to feed the growing world population. Our reputation for food in this country is second to none. We have great farmers who do a great job of producing great food. We need to keep that and preserve it for future generations.

Senator KETTER (Queensland) (16:51): I rise to make a contribution to this debate about the coal seam gas industry. I recognise the well-intentioned motives of Senator Lazarus in putting forward this resolution. I have also sat with Senator Lazarus as part of the inquiry into certain aspects of Queensland government administration. We have listened to some quite concerning submissions in respect of certain practices that have occurred in the industry. I for one do recognise that there are some community concerns.

But I think it is important in this debate that all of the information be made available to the chamber so that properly informed decision can be made. I think it is important that there should also be a focus on the scientific evidence that is before us and that a rational approach be adopted in respect of this particular issue. I preface my following remarks by talking about the fact that there should always be community consultation involved as this industry progresses. I think it is important to talk about some of this extra information.

It should be well known that the processes employed by the CSG industry have been in use for more than 65 years and in more than two million wells around the world. The CSG industry has been around for decades and it has been a significant source of gas production in Queensland for almost 20 years. The gas industry and government approving� regulators have detailed knowledge and understanding of the processes employed by the industry. This includes knowledge about the chemicals being used in the process. It may be of interest to senators to know that water and sand comprise more than 99 per cent of the volume of the fluids used in the mining process. Companies must identify the chemicals being used in their operations and detail any likely interactions with water and rock formations in the area which is the subject of mining.

I would encourage those with concerns about the practices employed in the industry to educate themselves on the technology and on the efforts to understand this technology taken by the states and the Northern Territory. I firstly refer to a report by Mary O'Kane, the Chief Scientist of New South Wales, who conducted an independent review of coal seam gas activities in New South Wales. That report was released in September last year. The review concluded that the technical challenges and risks posed by the CSG industry can in general be
managed through: careful designation of areas appropriate in geological and land-use terms with CSG extraction; high standards of engineering and professionalism in CSG companies; the creation of a state whole-of-environment data repository so that data from CSG industry operations can be interrogated as needed and in the context of the wider environment; comprehensive monitoring of CSG operations with ongoing automatic scrutiny of the resulting data; a well trained and certified workforce; and application of new technological developments as they become available. The report concludes that the risks associated with CSG exploration and production can be managed. With an almost identical result, the Northern Territory’s inquiry recently conducted by Allan Hawke AC found that the environmental risks associated with some of the more contentious practices can be managed effectively subject to the creation of a robust regulatory regime. That report was finalised on 28 November last year.

At budget estimates last year, Dr Chris Pigram, the CEO of Geoscience Australia, made comments to the effect that the concerns around the practices employed by the industry are unwarranted and ‘they do not represent a problem for the community by and large’. Geoscience Australia, a Commonwealth government agency, has carefully studied the issue and provided advice to the government to ensure that the impacts of the coal seam gas developments on groundwater systems are minimised and mitigated. As part of its advice to government, Geoscience Australia recommended an adaptive management approach that is underpinned by four principles: the first principle is the explicit requirement to minimise and mitigate any impacts on groundwater during coal-seam gas developments; the second principle is that adaptive management regimes should be underpinned by the best groundwater models available and that these models should be continually improved as new information becomes available; the third principle is that a regional scale multistate groundwater model be developed so that the potential cumulative impacts of multiple developments can be monitored, assessed and the potential impacts mitigated; and the fourth principle is that long-term water balances of the groundwater system must be maintained. All predevelopment groundwater pressure levels should be maintained wherever possible.

The Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development was established by the former Labor government as a statutory body under the Environment Protection and Biodiversity Conservation Act 1999 in late 2012. The committee consists of eight members with extensive scientific qualifications and expertise in the fields of geology, hydrogeology, hydrology, ecology, eco-toxicology, natural resource management and environment protection. Under the EPBC Act, the committee has several legislative functions: to provide scientific advice to the Commonwealth environment minister and relevant state ministers on the water related impacts of proposed coal seam gas or large coal mining developments; provide scientific advice to the Commonwealth environment minister on bioregional assessments including the methodology, research priorities and projects; publish and disseminate scientific information about the impacts of coal seam gas and large coal mining activities on water resources.

The reports by Mary O’Kane and Allan Hawke are recent, are credible and are independent. Along with the advice provided by Geoscience Australia and the independent expert scientific committee, I would encourage all senators to make the most of the expert research and educate themselves on this issue. I would particularly reference my South Australian Liberal
Party colleagues to take note of this advice. The South Australian Liberal Party's inquiry into the industry—an industry which supports thousands of jobs in that state—has been characterised by the outgoing Managing Director of Beach Energy, Reg Nelson, as an investment killer.

Global energy markets are being transformed by gas from coal seams, shale and tight gas. The use of CSG as an energy source is longstanding and accounts for 33 per cent of eastern states' domestic gas production. For example, 95 per cent of the gas used in Queensland comes from CSG. CSG powers a number of domestic electrical generation projects throughout Queensland, including the Origin Energy-operated Darling Downs power station and the Braemar-2 power station.

The policy challenge for state governments is twofold: to ensure the appropriate compensation of landholders for the access and use of their land and to ensure that coal seam gas is exploited on behalf of its citizens, unlocking an important transition fuel, providing a source of employment and export income, and generating a long-term revenue source through royalties and rents.

Coal seam gas exploration represents an immense opportunity for Australia, particularly regional Australia. LNG projects in Queensland's CSG to LNG industry are worth more than $70 billion and are responsible for almost 30,000 jobs. At its peak, the industry workforce was 40,000 people, including 7,000 direct employees and 33,000 contracted employees. It is important to note that more than 5,000 land access agreements have been signed in my home state between landholders and gas companies since 2012. That is not to say that there have not been some issues in respect of individual landholders. As I said earlier, I acknowledge that there has been some community concern around some of these negotiations.

The policy challenge for the Commonwealth is to ensure more gas production and the best possible environmental protection. The industry has created good, sustainable jobs, particularly in regional communities; boosted the economy at both state and federal levels; and will deliver billions in government revenue. In terms of regional growth—and I note that Senator Lazarus talked about the Chinchilla area—a CSIRO study found that in CSG affected areas there was a reversal of population decline in the age category 25 to 29 years during the period 2006 to 2011. There seems to have been some effect in the alleviation of poverty in some of these regional areas. The town of Chinchilla was a standout out in this particular study, as it went from being a location with higher rural poverty than surrounding regions to having one of the lowest rates of rural poverty.

I think the chamber should acknowledge that this industry is one that will lift Australia's export income and provide states and the Commonwealth government with a significant source of revenue. As a cleaner alternative to coal-fired power, LNG is an essential part of the global solution to reduce greenhouse gas emissions and provides many jobs and opportunities in regional Australia. I do not resile from some of the comments I made earlier that in the past there have been some practices where the industry has not been its own best friend. In order for this chamber to make a decision on this matter I think that a proper analysis of the scientific evidence needs to be had.

Senator WATERS (Queensland) (17:04): I am really pleased to rise to speak about the health and environmental impacts of coal seam gas. I must sound like a bit of a broken record doing this. I welcome the fact that we have now got some company from other political
parties who are also learning how dangerous this industry is. I am very disappointed that the old parties—we have heard so far from the Nationals and now from Labor—who are effectively apologists for the industry. I am sure we will hear similar sorts of gushings when the Liberals get up to speak, but that is their prerogative. I certainly will not be doing that tonight. I want to talk about the absolute danger of this industry to water, to land, to human health, to the climate, to the reef and to those very regional communities that we are meant to represent here in this place.

The first parliamentary activity that I undertook when I was elected to this place was to participate in an inquiry into the Murray-Darling Basin. The inquiry had formed a subset to look into the impacts of coal seam gas in the Murray-Darling Basin. It was an incredibly formative experience. I was four days into the job and rostered on to go to Roma, to Dalby and then to Narrabri. It was a fascinating experience because—yes, like Senator Williams—we got the spin from the Santoses of the world and, yes, they took us on their tour of their site. Unlike Senator Williams, I kept an open mind and also listened to the community members and the scientists rather than just listening to the industry. But then, the Greens do not take $200,000 from Santos, as the Nationals have done in South Australia.

What we heard from the communities, even back then—3½ years ago—was that they were really concerned about the long-term impacts on their groundwater supply. They were concerned about not only the quality of the groundwater and the potential for contamination but also the potential for the groundwater table to drop quite significantly in some instances. They were worried about where they were going to get their water from, and this was in some of our best food-producing land in Queensland. Other Queensland senators know that we do not have a lot of great soil in Queensland. Where we do have good soil it should be kept for food production. So those community members and farmers were right to be concerned.

We then heard from experts, and they have continued to speak out as the years have rolled on, about how much we do not know about underground water and the interactions between coal seams and aquifers, and how much we do not know about the potential long-term effect that we are having on the Great Artesian Basin, for example, as well as on particular aquifers that underpin much of our land, particularly our food-producing land

In that instance I can cite the National Water Commission, the CSIRO, the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development. All of these expert bodies keep reminding all of us here in this place that we cannot guarantee that there will not be long-term impacts on groundwater from this industry. The concern there is that, because water moves so slowly, those companies will have up and gone. They will have done their rehab—probably to a cruddy level, as usually happens—they will have got their deposit back and they will have gone. You will then find that the water impacts have been done and cannot be rectified. That is one of our concerns.

That is water impacts. In terms of land impacts we heard some fascinating evidence from farmers back then that in fact coal seam gas was interfering with the surface operation of their farming. Some of the land managers who have chosen to adopt more modern, more sustainable practices and had purchased quite expensive GPS guided equipment were telling us that the coal seam gas wells were interfering with their GPS equipment. They were not able to use these more modern precision agriculture techniques, because the coal seam gas well had buggered up the GPS. That was a real eye-opener. We then heard that, with the criss-
crossing of the well pads, the roads, the pipes, the diesel generators, the trucks, the people coming onto your land at all hours of the day and night, this was in fact a massive invasion of what had formerly been good-quality, food-producing land. It was really troubling to hear already the social concern that those people were having.

That has only intensified in the 3½ years that we have continued to campaign against this dangerous industry. Just last week in Toowoomba we heard of terrible distress that communities are being put through in this country. It is a very unequal playing field. They do not have the bargaining power with these big companies, because the law does not give them the right to say no to gas on their land—or coal, for that matter. They are being bullied and harassed. They are concerned about the health impacts of coal seam gas, an area which really does warrant further scrutiny. We have heard an awful lot of anecdotal evidence about the health impacts, whether they be respiratory, people getting bloody noses or people getting headaches, whether that is caused by the vibrations or the ambient methane emissions. Somebody has to look into this; and, unfortunately, the state health departments are not doing that either at all or to a sufficient level to give anyone any confidence about this industry. The anecdotal evidence is really stacking up.

It was heartbreaking to hear those people give evidence in Toowoomba the week before last about how distressed and worried they were about their land and how worried they were that their kids would not be able to farm that land anymore, that they would have to move away and that their very health might dictate that they needed to move but did not have the money to do so. So I quibble in particular with Senator Ketter's inference that somehow this is some great economic boon for those communities—far from it. As we know, fly-in fly-out work across the whole resources sector creates a massive disparity between those who are employed in the mines or the gas industry and those who are not. We see cost of living go through the roof in those communities, particularly in the cost of housing. Many of the workers in those small businesses are attracted to work in the industry, and therefore the basic services that people are used to, whether a mechanic or a taxi driver, are no longer accessible. It changes the very fabric of a community, and with those fly-in fly-out workers we see that profit being taken out of those local communities. They are simply left with the social dislocation as well as with the environmental impacts.

We have now started to look at the issue of climate impacts. The CSIRO have finally released stage 1 of a report into fugitive emissions. We know that these wells and pipes leak like a sieve, and this is methane, which is at least 23 times more potent a greenhouse gas than even carbon dioxide, so this is dangerous stuff we are playing with. I note that Senator Williams mentioned that often this gas is just flared. That carbon is just going straight into the atmosphere, so I could not agree more with him on that one small point of his contribution.

With the climate impacts here the CSIRO looked at a number of wells and found that some were hyperemitting. Some were emitting a vast amount of methane. They acknowledge in their own studies that they looked at only a very small sample size and that more work needed to be done. They also acknowledged they had not looked at shale gas and tight gas; they had only considered coal seam gas. Clearly, given that shale and tight gas are the new gas frontiers that are trying to roll out over South Australia, the Northern Territory, Western Australia and even Victoria, those studies need to be done now.
I guess that is our key point here. This industry has got everything it has wanted. The approvals have been handed out hand over fist without the science having been done. We have now seen the establishment of the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development, and the Greens welcome that. Unfortunately, they are merely an advisory body and their excellently strong advice—and they are very worth reading because they often point out the massive flaws in the information provided to regulators by proponents—is frequently ignored. They almost always say: 'We don't have enough information. We don't know what the impacts are going to be. On the proponent's own information we're already predicting metres and metres of a groundwater table drop. You need to ask these people for more information.' And the regulators just say: 'Oh, whatever. We'll just hand out the approval. They can do those studies later. Let's give them conditional approval'—which, of course, is just a tick to start that destruction.

What has been particularly heartening over the years, though, has been the community resistance that has started against the absolute pillaging that this industry represents. I want to pay tribute tonight to the people from Lock the Gate, particularly Drew Hutton—full disclosure: a life member of the Greens—who went on to establish Lock the Gate, a movement which has just ignited across the country and which is giving community members hope that they can stand and protect their land, their water and their futures from this rapacious industry and that they will not be bullied into letting their land be ruined, even though the law is not on their side. So I want to thank Lock the Gate for the work that they have done, the attention they have brought to this issue and the hope that they are giving people.

I had the huge pleasure of attending the Bentley blockade last year. That was a shale gas well that was proposed to be sunk in that northern rivers region. The power of that community protest—as well as a few technicalities and quite a lot of political pressure—stopped that from going ahead. It was the most wonderful celebration to be part of, because those people finally felt powerful again. After years of feeling like their concerns had been ignored—mostly in Nationals territory but certainly by both of the big parties as well—they finally felt some hope and some power again. That is what we want to bring back to this place. That is what we want to empower landholders to do again. It is to protect their land and their water. They are producing food for all of us. We are a net food exporter and the Greens want that to continue. It is going to be more important as food security becomes even more of a problem, with climate change intensifying as the years roll out. We need to be protecting our good-quality food-producing land. That is why, once again, this week I have reintroduced into this place a bill to give landholders the right to say no to coal, to coal-seam gas, to shale gas and to tight gas on their land—a right which they do not have. There is one tiny tenure in Western Australia where the owners have that right; under no state law in the rest of the country does anybody have the right to say no to resource activities pillaging their land. We think that is wrong. When the science is saying you could do some serious damage to your land and your water for all time, why should landholders have to bear that risk and why should governments be approving that? Somebody has to take a stand and protect that land. We would like to give landholders that right.

The first version of my bill was of course voted down in this place about a year ago when the Nationals, the Labor Party and the Liberal Party all voted against it—only the Greens and
a few of the crossbenchers at the time supported it. I have now reintroduced that bill, and I have added a ban on fracking. It is important to mention this, because hydraulic fracturing is an incredibly dangerous process whereby billions of litres of water and sand and chemicals are blasted into coal seams to break them open so that the gas can flow. Fracking has been shown overseas to potentially contribute to earthquakes and potentially it can contribute to connections being made between the aquifers and the coal seams. Of course those coal seams have all sorts of things in them— they are hypersaline, as well as having naturally occurring carcinogenic chemicals— benzene, toluene, ethylene and xylene. In New York state and Vermont, in the USA, fracking is banned—it is banned because it is dangerous. Counties and cities in California, Colorado, Texas, Hawaii, Delaware and Washington DC have also imposed either bans or moratoriums on fracking. I notice this week that, thank goodness, Tasmania has issued a five-year moratorium on fracking and Victoria, likewise, has extended its moratorium on fracking. This is not a safe process and we do not understand enough about it to allow it to continue, so my bill includes a ban on hydraulic fracturing for gas extraction.

This week, and most disappointingly in the context of the New South Wales state election, we saw Mr Barnaby Joyce, from the other place, out in the community repeatedly championing the fact that he did not want the Liverpool Plains to be ripped up by the Shenhua coalmine and he did not want the mine to go ahead without further assessment. He wanted the federal water trigger—which he had voted against—to be used to get more information. I put a motion to this place which said that the Liverpool Plains—that beautiful black soil which is 40 per cent more productive than any other agricultural land in the country—should be off limits to coal mining and coal-seam gas extraction. What do you think happened? The Nationals ran out of the chamber—they fled. It was a one-minute division and I watched them flee out of the chamber. Rather than go on record and either stand up to their coalition partners or buckle, they chose not to go on record at all.

I thought I would try again, because the Victorian Nationals— there is a by-election happening in South Gippsland at the moment—have come out with a good policy at their state level, and they have said that landholders should have the right to say no. We agree. That is the very legislation we have had in this place for years now. I put that motion today acknowledging that policy and calling on this place to agree with that very basic proposition. Likewise, we saw the Nationals leave the chamber for the vote. Senator Barry O'Sullivan hovered around the back here, presumably to make sure nobody else came in, and then he left with two seconds on the clock. It was a very disturbing sight to witness and I think that people in the areas of both Tamworth and South Gippsland would be really disappointed that the Nationals say one thing when they are at home in those areas and then, when they have the chance to support that view in the parliament, they do not take that opportunity. That is really disappointing.

We have these fabulous powers to look at the water impacts of coal mining and coal-seam gas extraction, which Mr Hunt has used to seek more information about the Shenhua coalmine in the Liverpool Plains. The huge irony is that those are the very powers that his government and he himself want to palm off to state governments, with their grand plan to completely gut our federal environmental laws and leave state governments to make all of those decisions about internationally significant environmental icons. The irony has been somewhat lost on Minister Hunt and the Abbott government that those powers which they are
now using to positive effect to arm themselves with better information so that they can hopefully make the right call—history certainly would not indicate they will—are the very powers that they are intending to palm off to any old state government because they just cannot be bothered looking after matters of national environmental significance anymore. It is not their bag.

I asked in estimates about how much we know about coal-seam gas extraction and the studies that are being done. It was quite farcical because there were so many issues that were out of scope of the studies being done. The fugitive emissions had a very narrow focal point, and the impacts of contamination on deep aquifers were only in the modelling stage and were out of scope for particular studies. It rammed home to me how selective and poor our scientific knowledge is about these industries. Yet, all the indications we have so far are that there are incredible risks. We have the precautionary principle on our law books and that is meant to guide our decision makers, and particularly our environmental decision makers. We do not know whether we might cause lasting damage to something as precious as water, in the driest inhabited continent on the whole planet, so why are they rolling out these approvals willy-nilly, like confetti, when the science is saying hang on, we really do not know what lasting damage we might be doing? We know enough to know there are some serious misgivings about this industry. It has been disappointing to watch the continued fawning of all of the parties in this place over the industry.

I want to draw attention to something that Senator Williams raised in his speech. He said he had gone on a site visit, chaperoned by Santos, and he had asked them some really tough questions and had been reassured by their answers. I went on a similar site visit with them and asked them similar tough questions, and I was not satisfied with their answers. I was not satisfied with just relying on and trusting them. That is why we have independent scientific bodies and why communities are so concerned, because these guys are absolute spin merchants. They are paid very well, they are very slick, they try to reassure you that everything is find and then, when you consult with the genuinely independent scientists, you hear a completely different story. I would urge Senator Williams not to just accept Santos's word for it, because they have a bit of a financial interest in saying to him that everything will be fine. I mentioned earlier that I was very disappointed when the South Australian Nationals accepted $200,000 from Santos. It would be great, if they could give that money back.

I will wrap up by saying that I am really pleased to be able to have the ability to discuss this issue once again in the Senate. The motion focuses on the human health and the water impacts of coal seam gas. If it were up to the Greens, we would be including shale and tight gas in the scope of this, and we would also include coalmining. And we would not just look at the health impacts of course: the environmental impacts are crucial when all of the science is telling us that we are putting at risk such precious resources, like our very land, our very water and our climate, not to mention our reef through which much of this gas is exported. For heaven's sake, why are we favouring the private profits of these big gas companies that send that money offshore and leave us with the environmental damage and communities that have been absolutely ripped up?

I am really proud that the Greens are standing with those community members, giving them hope, and I am thrilled that we now have some company in this place with others who...
are likewise concerned about this industry. I would beg each of the other senators in this place: please take the time—I know we are all busy people but this is really important stuff and the stakes are high—to get some independent advice and inform yourselves about how much we do not know about this industry and the real dangers that it poses, instead of just taking the money and handing out approvals like confetti.

**Senator McKenzie** (Victoria) (17:24): It gives me great pleasure to stand up and say that I will not be supporting this motion. Respectfully, I want to outline why: in part B of the motion we are calling on the government to stop approving coal seam gas projects, and, with respect, the federal government's role in coal seam gas project development and approvals is limited.

Senator Waters, I want to touch on something that you briefly mentioned. The water trigger was brought in by the Labor-Greens coalition, but the Labor Party never employed it—not once; not once on any coal seam gas issue. Conversely, this government, because of our commitment to using science and an evidentiary basis in the policy decisions we make, has applied the water trigger to over 50 projects since taking office—that is 50 projects. Moreover, the Independent Expert Scientific Committee has approved 15 scientific reports informing bioregional assessments and 20 scientific reports on risk to environmental health from chemicals, ecosystems, water and aquifer connectivity. We are actually looking at and researching exactly the questions that this motion goes to.

I also want to put on the record the National's perspective. The Greens love a good coal seam gas notice of motion and to make a big song and dance about the National party's perspective. We have been incredibly consistent on this issue. I would like to take the Senate back to November 2011 and the Rural and Regional Affairs and Transport References Committee's management of the Murray Darling Basin report and the interim report of that particular committee on the impact of mining coal seam on the management of the Murray Darling Basin.

The report canvassed a variety of issues around this. It was a very comprehensive report which involved excursions and a lot of witnesses appearing. It went for a long period of time, and it was very ably chaired by Senator Bill Heffernan. It went to the impact of water, land access and land use et cetera, and it had a comprehensive list of recommendations, which I recommend to senators who are interested in this to have a look at.

Let's go to the additional comments—the National Party made it very clear in their additional comments to this report that we absolutely support the fact that the agricultural landowner has a very clear right of a significant return on any coal seam gas development in their area. When we go to the additional comments from the Australian Greens—let's have a look, Senator Canavan. As Senator Waters is so impassioned about landholder rights right now, let's look at when she actually signed the additional comments. Her recommendations went to (1) assessing greenhouse gas intensity; (2) to greenhouse gas accounting; and (4) to rigorous independent monitoring of greenhouse emissions. There is not one word in the recommendations from Senator Waters, about landowners and their right to veto, their right to an adequate return or the ensuring that the landholders' community, more broadly, has a right to absolutely benefit from any development in their area. No. So, three years later, during a state election campaign in New South Wales and a by-election in Victoria, we have Senator
Waters making hay—or attempting to make hay—with coal seam gas issues. Unfortunately, Senator Waters as a Victorian National—

Senator Waters: Mr Acting Deputy President, I raise a point of order. Senator McKenzie well knows that I have had legislation in this chamber for more than three years—

The ACTING DEPUTY PRESIDENT: Senator Waters, resume your seat. There is no point of order. It is a debating point.

Senator McKenzie: Thank you so much for your protection, Mr Acting Deputy President Seselja. This is a publicly available report and, if you want any clearer indication of the people and the parties who are sticking up for rural and regional Australia and landowners, you need look no further than the 2011 November report.

I know that Senator Waters has been quite vocal in my communities in recent times, particularly down in south Gippsland, around this issue. I want to put a few facts on the record from the Victorian Nationals’ perspective on this issue. It is true that it was the last state coalition government that put in place the moratorium on coal seam gas development in Victoria. It is indeed the Victorian Leader of the National Party, Peter Walsh, who this week stated publicly that he supported the extension of the moratorium.

The Victorian Nationals will demand stronger safeguards for landholders regarding onshore coal seam gas operations should the industry ever develop in Victoria. The Nationals support landowners having the right to say no to coal seam gas extraction activity on their property. Similar to the federal National Party’s position on this issue, the Victorian Nationals believe the regions where the mining takes place should also share in the benefits of the activity. The Nationals support the introduction of a landowner and community benefit structure so that, when mining activity takes place in a local community, the landowners get a share of the wealth to invest in local priorities.

When we look at the additional comments made by National Party senators to the Senate inquiry into this exact issue, recommendation 1 goes specifically to reimbursing—increasing the bargaining position of the farmer or the landholder so that they can negotiate these contracts from a position of power.

Senator Waters interjecting—

Senator McKenzie: This is a state issue, Senator Waters, and you bring it in time and time again. I really encourage you to take your bills and this issue to the state parliaments. Maybe you need to be focusing on that.

Senator Ronaldson: Mr Acting Deputy President, I rise on a point of order. Senator Waters was heard in silence for the duration of her contribution. She has not stopped interfering since the honourable senator started. Can I ask you, please, for her to give the same respect to the senator that she got during her own contribution.

The ACTING DEPUTY PRESIDENT (Senator Seselja): I remind senators that senators have a right to be heard in silence. Senator Waters, you were heard in silence.

Senator McKenzie: In terms of the Victorian National Party’s position on this, as the rightful, constitutionally legal, area for approving these sorts of projects, I completely back the Victorian Nationals’ perspective on coal seam gas development. I think we all should be actually focusing on the fact that we need processes in place when any development takes
place in communities so that consultation is appropriate and rigorous and that we include community but we also include industry and that it is based on well-evidenced research.

Too often when these sorts of issues come before us for public debate, we have emotive responses not actually driven by hard science. As a scientist, I would appreciate the Greens, in particular, not using scientists and scientific methodology willy-nilly. You are either for it or you are not. You cannot apply it to policy positions on a whim. It is all or nothing with science. You should not be hiding behind the veil of requiring scientific evidence sometimes and then conveniently using emotive arguments on the other hand to persuade the public to your very, very poor policy positions.

I have many more things to say on this, Mr Acting Deputy President, but I have an estimates committee to chair and I know there are other senators who are keen to speak, so I cede.

Senator PERIS (Northern Territory) (17:33): I rise to speak on this motion on coal seam gas mining. Coal seam gas mining, or fracking, is an issue of great importance across the whole country and certainly it is of great concern to Territorians as well. The first thing to say about coal seam gas in the Territory is: what is the rush? We have massive conventional gas reserves, both onshore and offshore, that are still being explored and understood. In the Northern Territory just recently—in fact, last weekend—the Northern Territory Labor Party, with the full consent of the members, supported a moratorium on all coal seam gas and fracking activities in the Northern Territory pending an independent, science based investigation into the processes, including all climatic circumstances, and across varied geological sites.

NT Labor also supports a comprehensive, independently developed program of public education concerning all fracking and coal seam gas processes. We want to know what it is and how it could benefit Territorians as a whole. A number of local councils in the Territory, including Katherine Town Council, have made public statements against coal seam gas and fracking. This is not a Green dominated council, by any means. It simply indicates the real level of concern that people have about coal seam gas.

In the Territory, The Country Liberal government have made a real point of acting without listening to the community, and they are currently paying a heavy political price for their arrogance. The CLP are all for coal seam gas mining, regardless of what the science says or whether or not it is the right way to go. The Country Liberals cannot be trusted on this issue, particularly when they cannot even trust each other. The Country Liberals would happily sell the Territory down the drain, without even publicly discussing the issues, and all the while engaging in a potentially damaging process without any independent scientific evidence to support their decisions.

There are many questions. What will coal seam gas mining do for us? Will it give us an improved standard of living? Will our power bills be cheaper? Will we be a healthier nation? Will CSG make us richer as a nation overall? Or will it kill off the country by polluting our waterways, killing our wildlife and negatively impacting on our health and wellbeing?

I am aware that some Aboriginal groups in the Northern Territory are interested in exploring the benefits of coal seam gas as a possible option for their future economic development. I acknowledge this and I accept it. I would say to my country men and women:
let us first understand what it is, what it would do for the community and what impact it would have on country and our nation as a whole. We need to understand the potential long-term effects and impacts that fracking and coal seam gas mining will have and we need to make sure we are happy with our understanding before we move any further ahead. We must all remember: our country, our land, is our greatest cultural as well as economic asset.

Today we have seen the Intergenerational report released by the government. It contains a great number of challenges for Australia. But the biggest challenge as far as I am concerned is the condition of this country as we pass it to our children and our grandchildren. Most of all, I want my grandchildren to grow up in an Australia that prides itself on taking care of its citizens and taking care of our precious environment, not just rushing headlong into important and potentially environmentally damaging decisions like fracking and coal seam gas without proper scientific evidence to support our decisions. Let's have a proper process and get the evidence, good and bad, on the table and have a decent and honest discussion with the nation.

**Senator CANAVAN (Queensland) (17:37):** It is great to rise on this topic. I suppose one of the good things about being new here is that you do not know what is going on half the time, and I got caught short there a little bit, getting called up. Another is that it was not that long ago that I was out in the real world, so to speak, and involved in real-world issues rather than just talking about real-world issues. Just before I came to the Senate, I worked for a beef company, and in that beef company we actually negotiated coal seam gas licences and we were negotiating with a coal seam gas company about some water use. I want to just say a little bit about my experiences doing that, because a lot of this debate is driven by things that come second or third hand to people. We cannot really understand what people's experiences are. Both in that role—in a business role—and in this role in the Senate, I have been to see both the coal seam gas companies and farmers impacted by coal seam gas, but we cannot put ourselves in people's shoes.

My experience with the coal seam gas industry is not a completely positive one, but it is not a completely negative one either. First of all, there are, of course, protections in the laws of Queensland—and all states—that regulate the coal seam gas industry. The industry has obligations to make good and to try to come to an agreement with landowners before they operate. In this case, an agreement was made between the beef company and the coal seam gas company for 24 wells. While it was not an outcome that was particularly attractive to the beef company, it was done on a voluntary basis.

I have to say that the most difficult thing in negotiating on these issues is the pure imbalance that exists between the rights of landowners and the rights of the coal seam gas companies. That is what makes it difficult in this environment. If it were simply a business deal where you negotiate an agreement to sell oranges or buy apples, you could see a situation where people walk away with mutual benefit. When you come to most business deals, unless you have mutual benefit, you will walk away from the table and there will be no deal. But in this case you do not have that situation, because, at least in Queensland, the law prescribes that if you do not reach an agreement after 40 business days—sorry, I think it was increased to 50 business days in the last few years—you have to let the company on your land, and a court will determine what the rate of compensation would be.

Earlier in the debate, Senator Williams mentioned that both AGL, which I think he mentioned, and Santos have assured him that they will not go onto people's lands without
their approval, and that is what they tell me too, but the reality is that, when a farmer or landowner sits down and thinks, ‘Should I take this to court and oppose this coming onto my property?’ they do not have a lot of leverage, because the clock is ticking: after 50 business days, they get to come on the land. So normally it is in the landowners’ best interests to reach an agreement within that 50-day window so they do not have to go to court and pay legal fees and they can get something rather than maybe nothing.

That imbalance makes it difficult. It tilts the balance towards those that want to extract gas and against those that may have other priorities and issues. I think a lot of the heat and issues that exist in this debate could be resolved if we simply gave landowners more of a say on what happens on their land. We on this side of politics believe in private property rights. We believe that people should have a say in what happens to the property that they own. In this instance, there are people who have bought land and maybe passed that down through generations. They should have a right to have a decent say about what happens on their property. That right is not inviolable. It is not a fundamental human right in the sense that it cannot ever be abrogated by the state. Even if you live in the city, sometimes you might have to sell your house if the government wants to put a road through it. Sometimes there is a public good where you have to have your property compulsorily acquired, but that should be the exception, and there should be exceptional circumstances when it happens. I am not quite sure these circumstances exist in this case.

As Senator Williams said earlier, we actually had a system in this country where the mineral rights were owned by the landowners. A lot of people on the other side of the debate will say it is a state resource; the state owns it, and the state should have the right to regulate it and benefit from it. That has actually not always been the case. It has been the case for a much shorter time than people realise. In the case of New South Wales, it was actually Neville Wran that took landowners’ rights away from them in the Coal Acquisition Act 1981. That is about the same time I was born. The Coal Acquisition Act 1981 took the rights to own the coal, to say what happened to that coal and to benefit from that coal away from farmers and landowners and vested them in the state to sell to mining companies and to extract royalties from. That decision happened with no compensation to landowners—none at all. It was simply a bill of parliament. Later on, the Greiner government was elected, and it instituted a process to give some compensation to landowners, because it was a huge issue in regional New South Wales, as you can imagine.

In Queensland it happened a lot earlier: it happened in 1915. I cannot remember the name of the act, but I remember getting it from the Queensland parliament. It was a two-page act, and it basically just said that all petroleum and gas previously vested in private hands is now vested in the Crown. That was it—done. Those rights were taken away from them with no compensation and no remuneration. We are nearly 100 years on from that. I suppose this year we are 100 years on from that act in Queensland, so we have had a century of government ownership and control over petroleum and gas resources. I recognise that we are not going to go back to the pre-1915 situation, where landowners actually owned the petroleum and gas. Unfortunately, that ship has sailed, but I do think we can rebalance the rights that exist, and I do think that would help this issue.

And why do I think that? It is because we have very similar issues here in coal seam gas to those that exist in the shale gas industry in the United States. Sometimes they are conflated.
They are actually different technologies and access different parts of the watertable, but they have very similar issues, and they are very different from typical mining operations.

Underground or open cut coal mining will typically come in and buy the properties that are directly affected. They will just buy them up, and the people that get bought out usually laugh all the way to the bank. I know the former member for New England sold some of his property to Whitehaven Coal and made a substantial profit of probably three times, some reports suggest, the average market value for that land at the time that was going. That is a great deal if you can get it, and fantastic for those people.

But coal seam gas and shale gas are very different because the companies do not buy the land. They just want an easement or an access to the land to drill some wells and maintain 24/7 access to the property for safety and for their industrial needs. That means that there has to be an ongoing relationship between the company and the landowner. That creates tension, and that creates issues. There is no one-off transaction. It is difficult for a coal seam gas company or a shale gas company to pay royalties to the state and overcompensate the landowners because they deal with hundreds of landowners not just a few. We have a situation where it is hard to take the politics out of this issue. It is hard to resolve the appropriate property rights of landowners and our desire to develop our resources and create jobs in regional areas.

In the United States, they have a very different system. In most states in the United States the farmers still own the gas. They still own the shale gas. They still own the oil. They are developing their industry at a great speed, and much faster than us. They are restarting and rebooting their economy, based on cheap energy and large scales of cheap gas that are close to their areas of industrial development. That the US is now back on track, so to speak, is a great thing for the world economy because it is helping prop us all up at the moment. Their unemployment rate is lower than ours now, and their economic growth is high.

A lot of that is to do with the fact that they have cheap gas and cheap power and they are developing. I do not think we should be surprised that, when we allow people to make money from something, they will sign up. When we allow people to negotiate a good price for access to their land, they will sign up and they will develop their property. It is something that should be at the core, on this side of politics, of what we believe in. We believe that, through the private negotiation of rights and services and provision of goods, we will have more wealth created in the economy, and that is what is happening in the United States.

A couple of years ago I was talking to an Australian BHP executive. BHP have a lot of shale gas licences in the United States. He was in a suburb of Louisiana where there was a shale gas hub terminal in the middle of the suburb with houses all around, just like a suburb in Australia. All these pipes were going under houses, and, of course, as an Australian, he said to the Yanks, 'Well, how did you achieve this? If we'd tried this in Australia we'd have no hope.' The Americans said, 'Well, actually, the suburb next door is not happy with us because the gas price has fallen and we're not gonna go in to that suburb now.'

All those houses around that area, all those moms and dads in suburban homes, not farms, were getting a cheque. They were getting a cheque from the gas company because they owned the gas under their house. It was just a backyard with a clothesline and normal barbecue out the back. They own the gas under their land, so they have the right to get a cheque from it.
They all supported it, and that is boosting their economy now. But we do not have that situation here.

We have a system where the state owns the gas. It is a communist outcome. It is a communist situation where the state owns the resource. It is a national resource, and it is exactly what the Labor Party like. It is not what we want; it is what they want. They want a communist outcome. And what are we getting? We are getting a communist solution to a communist situation. We are getting no production. We are getting lines of industrial companies, like breadlines in the Soviet Union, waiting and lining up for gas because we cannot get cheap gas for our industry. We should not be surprised. It did not work in Russia, guys. It does not work in Korea. It does not work in Cuba, and it does not work in our gas industry here in Australia, surprise, surprise.

I do applaud the Greens. Normally I associate the Greens with communism.

Senator O'Sullivan: Steady!

Senator CANAVAN: Sorry, Senator O'Sullivan. It is the second time this week I have given some credit to the Greens. You will have to watch me. I think they typically like the communist outcomes where the state owns the means of production and we all regulate what people do and say and earn in our lives.

Senator Kim Carr: You are in the National Party, remember.

Senator CANAVAN: Yes, that is right, and sometimes we are a little bit socialist too, Senator Carr, that is true—sometimes, but not in this situation. I applaud the Greens because they are calling for more rights for landowners, and I think that is a good thing, and so do the Victorian Nationals as well. They have adopted a policy since the state election of ensuring that landowners have the right to say no to coal seam gas extraction on their property, and I applaud that. It is a good policy. It is something we should see more around the country, and I will put on record that I support that.

What I do not support in coming to this particular motion we are debating today is in section (b) of that motion, which calls on the government to do certain things, and presumably that means the Commonwealth government. I think we should act with great caution and trepidation in making laws in this place to cover the whole country on an issue which is well within, and very clearly defined within, the remit of the state government under our Constitution. They are tackling a very difficult issue. It is a wicked issue. It is hard to balance the needs of the state government for revenue and royalties, the regional areas for development and, obviously, the landowners for their property rights.

We certainly do not have a mortgage in this place on good policy. I think we have seen many examples in the last decade where the Commonwealth government has tried to come in and say, 'We know the best way. We know what we should do,' and we have ended up creating a lot more problems than were there to start with. There is plenty of opportunity for state governments and state politicians and state election campaigns to deal with these issues, and if there are members of the Senate here that feel so passionately about this issue, they should have gotten elected to a state parliament. They should have stood for a state parliament in a state seat and be progressing those issues in the appropriate place.

That does not stop us, of course, from expressing support or opposition to certain state policies, as I have done here today, but it should be the responsibility of the Commonwealth
executive government to deal with this. I particularly think the Commonwealth government could potentially have a role in establishing a royal commission, which is item (b)(ii). I did listen to Senator Lazarus's contribution earlier and, while I am, like Senator Williams, very concerned about some of the evidence he produced, I have been to these areas—to Tara, to Miles and to Chinchilla—and I am not sure that the evidence is quite there yet to support a royal commission into these issues. We had a Senate inquiry only a few years ago—Senator McKenzie mentioned that earlier. While some of that evidence was also presented to that committee we did not make a recommendation for a royal commission. Most of the recommendations from that report dealt particularly with environmental issues that arise with this industry and made sure that the Commonwealth government had appropriate regulatory and oversight arrangements in place to deal with those issues. I thought those recommendations were largely on the mark. While they were not adopted in specific form by the then Labor-Greens government, they did lead to the establishment of the Independent Expert Scientific Committee on Coal Seam Gas and a water trigger under the EPBC Act.

So, that has led to greater oversight for the environmental concerns. As Senator McKenzie said before, no party actually called for a complete blanket ban on coal seam gas in that inquiry, including the Greens, who wrote additional comments. The National Party also made some additional comments through Senator Fiona Nash and then Senator Barnaby Joyce—they were the only party to actually recommend that greater returns go back to the landowners. The recommendation they made said that maybe one per cent should go back from the wellhead revenue to landowners. That was a very moderate recommendation.

We have looked into this issue. The Commonwealth government has increased its regulations. It has a system set up now for additional research and evaluation of coal seam gas applications. I do not actually think that since then—since we established the water trigger—that any coal seam gas extraction projects have been approved. I might be wrong on that, but I do not believe so. We have three projects approved in Queensland and I believe all of those were done in late 2010, before the water trigger came into place. There is another project seeking approval at the moment in the Scenic Rim area of Queensland, but it has not been approved, and there are some others in New South Wales as well. So I do not see the need at this stage for any larger consideration of this issue by the Commonwealth government. It seems that we have increased our oversight and regulation.

It is appropriate that while I have spent my time mainly talking on the issues for landowners and property rights—as you would expect me to do as a National Party senator—I do not shy away from the fact that there are very large environmental issues here. The water resource is a public good and we have a public responsibility to ensure that it is not damaged. That is why we have the Environmental Protection and Biodiversity Conservation Act and that is why the state governments have their own environmental laws.

I just want to finish on the point that sometimes I feel that the Greens are great supporters of the Environmental Protection and Biodiversity Conservation Act—it is supported by all parties in this Senate—but that often they do not want to support the decisions of the umpire under that act. It is one thing to support the provisions of the act but when a decision comes under that act—like to approve coal seam gas projects or to approve projects in the Galilee Basin—that does not agree with what they like then they want to take it to the courts and disagree with it. If you want to pick an umpire—if you want to play a game of footy and you
pick someone to decide on the rules—you do not then disagree with the decisions that are made because of those rules.

Senator Waters: We didn't pick—

Senator CANAVAN: We have passed this law; and the law delegates responsibility to the minister, Senator Waters, and the Greens signed up to that. The Greens have signed up to that—they have signed up to the minister having the responsibility to make those—

Senator Waters: No, we didn't!

Senator CANAVAN: But you have not opposed it—you have amended it many times, Senator Waters, but the minister has the responsibility. You voted for the water trigger, and the water trigger creates the ministerial delegation of power to do that. We should support the umpire in this case. There is a ream of environmental regulation and oversight that occurs in this country. These projects go through enormous amounts of checks and balances before they are approved, and we are very lucky to live in a country like that.

As I said, I do not believe there is a need for any greater action from the Commonwealth government at this stage, but I do support efforts at a state level to give more property rights to landowners.

Senator MADIGAN (Victoria) (17:57): I listened with interest to some of the prior contributions, and I acknowledge Senator Canavan's concern for the rights of landowners and farmers.

This is a complicated debate because, as much as our farmers and our landowners should get something out of it, it can affect their neighbours—their amenity of life and their land. And it could possibly have an effect on our water table and our land—our prime agricultural land—if we do not get it right.

Personally, I support this motion because I believe that when it comes to coal seam gas all the facts need to be put on the table, transparently, so people can have an educated, factual position. We should not be putting our people and our prime agricultural land potentially at risk before we have thoroughly investigated all the possible impacts of coal seam gas mining on human health, our water table and our finite precious agricultural land.

We have a duty of care to err on the side of caution until we know that the practice that is being employed is safe. As I said, we have a duty of care to those who could be affected socially, economically or environmentally. Personally, I have nothing against investigating new sources of energy, and if coal seam gas mining is as safe and efficient as its proponents would have us believe then they should have nothing to fear from a royal commission.

I note that Manufacturing Australia have been visiting the parliament this morning and speaking to many senators and members of the House of Representatives about the positive contribution that Australian manufacturing makes to our country—socially, economically and environmentally—and the need to have affordable gas to give our domestic consumers—the mums and dads and pensioners, and also our food producers and our engineering manufacturers—the opportunity to compete on the world market. They mentioned coal seam gas and shale gas et cetera and how that is being utilised in the US to bring manufacturing back onshore and to bring prosperity for the American people and their economy. In fact, I believe it is in the best interest that coal seam gas mining be thoroughly investigated so that we can prove that it is either safe or not safe— (Time expired)
The DEPUTY PRESIDENT: Order! It being 6 pm, the Senate will now proceed to the consideration of government documents.

Climate Change Authority

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (18:00): I move:

That the Senate take note of the document

I seek leave to continue my remarks.

Leave granted; debate adjourned.

Australian Human Rights Commission

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (18:01): I move:

That the Senate take note of the document.

I seek leave to continue my remarks.

Leave granted; debate adjourned.

National Mental Health Commission

Senator McLUCAS (Queensland) (18:01): I move:

That the Senate take note of the document.

I commend the commission for the report but take this opportunity to talk about the fact that the review the National Mental Health Commission has undertaken into national, state and territory mental health services and programs that was received by the government on 1 December last year and was the subject of an order for the production of documents on three occasions from this Senate is yet to see the light of day. I have called for this to happen for reasons that go to the transparency of decision making around the future of mental health services in this country. As I said yesterday in this place, I am particularly concerned with the government's response to the order for the production of documents, which in part says:

I again note that the tabling of these documents prior to deliberation by government would inhibit the ability of government to properly respond to the review.

That is a new sentence in the government response that we have not seen before. The reason I am particularly concerned about this—and my concern is shared by the mental health community—is that if we are going to design a system to provide quality, well-targeted, affordable mental health services in this country then this is an issue that we are all in together. We need to harness the power, the knowledge and the information of the mental health sector in this next phase—the design phase, the conversation phase. And if it does happen, as I think that sentence indicates that it will, that we receive the report from the Mental Health Commission along with the government response at the same time, then that will preclude that important discussion, consideration, debate and agreement about the way forward.

Yesterday I spoke in the chamber, and there is a lot of interest in this issue. I have had many people—eminent people from the mental health community, people who live with mental illness—contact me in the last two or three days to encourage me to really urge the government to rethink this position. It is my view, and it is a shared view, that the government should release the document from the commission and then conduct a series of consultations...
around that. The mental health community are very keen to know what has been said about 
the services and programs in mental health in the interim report and the report that came down 
in the middle of the year. That is important, but now that we have the final report the 
opportunity for discussion and debate presents itself. I think it is perfect timing. Let's go and 
have the conversation. I would have preferred it to be in November last year. I have asked the 
Senate to agree with me on that, and they have—twice. And this week we have done it again. 
So, I implore the government to take the views of the mental health community onboard, to 
publish this document and then facilitate a proper round of consultation, consideration and 
transparency, which we so deserve and need in order to design the next phase of mental health 
reform in the country.

I point to Labor's record in this area, and I commend our government for the amazing work 
we did. But it is work that needs to be continually looked at, built upon and focused on. I also 
express my concern that the terms of reference that the Mental Health Commission was given 
seem to indicate that there will be cuts in this area. I am very concerned about that, and so is 
the mental health sector, who are reporting loss of staff, low morale and loss of services. 
Please, government, listen to the sector. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Australian Human Rights Commission

Debate resumed on the motion:
That the Senate take note of the document.

Senator IAN MACDONALD (Queensland) (18:08): This is the Australian Human Rights 
Commission report entitled, wrongly, The forgotten children: national inquiry into children in 
immigration detention. I openly and somewhat proudly say I have not read it. Why would one 
bother reading a report that is irresponsible, irrelevant and inaccurate?

Senator McLucas: You don't know! You haven't read it!

Senator IAN MACDONALD: For a start, the title of the report is partisanly political: it is 
'the forgotten children'. If anyone has followed the debate on children in immigration 
detention they would be aware that these children have been anything but forgotten by the 
Abbott government. They may have been forgotten by the Rudd-Gillard-Rudd government 
but they have certainly not been forgotten by the Abbott government because we understand 
that we do not need to a lengthy report—a 300-page report—to tell us that having children in 
detention is not good for children and that problems will arise with children in detention. That 
is why the Abbott government has got rid of all of those children in detention. Practically 
speaking, today, there are no children in immigration detention in Australia.

Why is it irresponsible? Because the evidence at the Senate legal and constitutional affairs 
estimates committee showed that the Human Rights Commission was apparently concerned 
about this when there were almost 2,000 children in detention under the Labor Party, but the 
commission chose not to inquire prior to the 2013 election because it might have caused 
political problems—it might have been politically unnecessary. That was the Labor 
government. That is why this was an irresponsible activity.

Why do I say it is irrelevant? It is irrelevant because it goes on to tell us how bad it is to 
have children in detention. We do not need a 300-page report to tell us that. We know that. 
That is why the Abbott government has taken all of the children out of immigration detention
in Australia. It tells us all about that and how bad that is; we do not need that. It is irrelevant. We know that. We know there are mental problems. That is why the Abbott government has put enormous resources and professional health assistance into looking at the mental health and wellbeing of children who were in immigration detention but who are not there now.

It is inaccurate. Senator McLucas says, 'You haven't read it. How do you know it's inaccurate?' I will tell you how I know: because this is about the Department of Immigration and Border Protection. They have read it. They have read it from cover to cover and they have given their assessment of it. If you have a look at what the department said, they identify a litany of inaccuracies, bad assessments and poor and inaccurate facts that would indicate that nobody should waste their time reading a document that is unbalanced and which has not taken into account all of the evidence given by the Department of Immigration and Border Protection. That is why this report is inaccurate.

Again, I repeat: it is irresponsible because it is political; it is irrelevant because it addresses a subject that is no longer relevant in Australia because there are no children in detention; and it is inaccurate because the department directly involved went through it with a fine tooth comb and pointed out to the commission a lot of their facts were wrong, there was no proper analysis and there was no balance in their approach to it. As a result of that I say, as others will say, this is a document which you should not waste your time reading. There are far more important things to do. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

**DOCUMENTS**

**Consideration**

The following orders of the day relating to documents were considered:

- Department of Education—Report for 2013-14, including the report of Tuition Protection Service. Motion of Senator Bilyk to take note of document agreed to.
- Australian Curriculum, Assessment and Reporting Authority (ACARA)—Report for 2013-14. Motion of Senator Bilyk to take note of document agreed to.
- Australian Organ and Tissue Donation and Transplantation Authority—Report for 2013-14. Motion of Senator Bilyk to take note of document agreed to.
- Cancer Australia—Report for 2013-14. Motion of Senator Bilyk to take note of document agreed to.
Department of Defence—Report for 2013-14 (2 volumes), including report of the Defence Materiel Organisation. Motion of Senator Bilyk to take note of document agreed to.

Department of the Treasury—Report for 2013-14. Motion of Senator Bilyk to take note of document agreed to.

National Health and Medical Research Council (NHMRC)—Report for 2013-14. Motion of Senator Bilyk to take note of document agreed to.

National Health Funding Body—Report for 2013-14. Motion of Senator Bilyk to take note of document agreed to.

National Health Funding Pool—Report for 2013-14, including financial statements for state and territory State Pool Accounts. Motion of Senator Bilyk to take note of document agreed to.


Indigenous Business Australia (IBA)—Report for 2013-14. Motion of Senator Urquhart to take note of document agreed to.

Climate Change Authority—Report for 2013-14. Motion of Senator Bilyk to take note of document called on. On the motion of Senator O'Sullivan the debate was adjourned till Thursday at general business.


Aboriginal and Torres Strait Islander Social Justice Commissioner—Social justice and native title—Reports for 2013-14. Motion of Senator Siewert to take note of documents agreed to.

Department of Industry—Australian vocational education and training system—Report for 2012. Motion of Senator Bilyk to take note of document agreed to.

Australian National Preventive Health Agency (ANPHA)—Report for 2013-14. Motion of Senator Seselja to take note of document agreed to.

Innovation Australia—Report for 2013-14. Motion of Senator Bilyk to take note of document agreed to.


Australian Broadcasting Corporation (ABC)—Equity and diversity—Report for the period 1 September 2013 to 31 August 2014. Motion of Senator O'Sullivan to take note of document agreed to.

Foreign affairs—Indonesia—Mr Myuran Sukumaran and Mr Andrew Chan—Letter to the President of the Senate from the Ambassador of the Republic of Indonesia (Mr Riphat Kesoema) responding to the resolution of the Senate of 10 February 2015. Motion of Senator Singh to take note of document agreed to.

34 Committee Reports and Government Responses—Orders of the Day—Consideration

Tabling

The following orders of the day relating to committee reports and government responses were considered:
Economics Legislation Committee—Competition and Consumer Amendment (Misuse of Market Power) Bill 2014—Report. Motion of Senator Xenophon to take note of report called on. On the motion of Senator Ketter the debate was adjourned till the next day of sitting.

Intelligence and Security—Joint Statutory Committee—Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014—Advisory report. Motion of Senator Bilyk to take note of report called on. On the motion of Senator Ketter the debate was adjourned till the next day of sitting.

Foreign Affairs, Defence and Trade References Committee—Report—Korea-Australia Free Trade Agreement—Government response. Motion of Senator Bilyk to take note of document called on. On the motion of Senator Ketter the debate was adjourned till the next day of sitting.

National Disability Insurance Scheme—Joint Standing Committee—Progress report—Implementation and administration of the National Disability Insurance Scheme—Government response. Motion of Senator Siewert to take note of document called on. On the motion of Senator Ketter the debate was adjourned till the next day of sitting.

Environment and Communications References Committee—Report—Environmental offsets—Government response. Motion of Senator Bilyk to take note of document called on. On the motion of Senator Ketter the debate was adjourned till the next day of sitting.

Abbott Government's Budget Cuts—Select Committee—First interim report. Motion of Senator Bilyk to take note of report called on. On the motion of Senator Ketter the debate was adjourned till the next day of sitting.

Rural and Regional Affairs and Transport References Committee—Current requirements for labelling of seafood and seafood products—Report. Motion of Senator Bilyk to take note of report called on. On the motion of Senator Ketter the debate was adjourned till the next day of sitting.

Legal and Constitutional Affairs References Committee—Incident at the Manus Island Detention Centre from 16 February to 18 February 2014—Interim and final reports. Motion of Senator Bilyk to take note of report debated. Debate adjourned till the next day of sitting, Senator Macdonald in continuation.

Community Affairs References Committee—Extent of income inequality in Australia – Bridging our growing divide: inequality in Australia—Report. Motion of the chair of the committee (Senator Siewert) to take note of report called on. On the motion of Senator Ketter the debate was adjourned till the next day of sitting.

Health—Select Committee—First interim report. Motion of Senator Seselja to take note of report called on. On the motion of Senator Ketter the debate was adjourned till the next day of sitting.

**COMMITTEES**

**Legal and Constitutional Affairs References Committee**

Report

Senator IAN MACDONALD (Queensland) (18:15): I move:

That the Senate take note of the report.

I rise to speak on the committee's report entitled *Incident at Manus Island Detention Centre from 16 to 18 February 2014*. As the deputy chairman of the committee can I indicate that a number of members on the committee thought that this reference was irrelevant and unnecessary. This report refers to an incident that occurred not in Australia but in another country. Unfortunately, one of the people involved in that incident lost his life. Because of that, there were a number of serious inquiries set up, starting of course with the police force,
the proper investigative authority, in the country where this incident occurred—and, I repeat, that was not Australia.

The Australian government had some interest in the matter because the Rudd Labor government—the second one—actually established the detention centre at Manus Island. You might recall, Mr Deputy President, that the deal to reopen Manus Island was made by Mr Rudd. I think it was Mr Rudd, but I forget when Mr Rudd took over from Ms Gillard. If it was not Mr Rudd who made the deal, it was Ms Gillard. But I am pretty certain it was Mr Rudd who made the deal to reopen the Manus Island detention centre. Unfortunately, this deal was done by the Labor government with the responsible people at Manus Island very, very quickly. We were approaching an election in Australia when illegal maritime arrivals had become a major political issue for the then Rudd Labor government. You will recall that, when the Gillard government first took office, there were no boats coming to Australia with illegal maritime arrivals—and, I might add, there were no children in detention.

As a result of the activities of the Labor government—supported, I might say, by the Greens political party—the borders were thrown open and, from memory, we had over 50,000 illegal maritime arrivals end up in Australia. More than 1,000 people—the real figure will never be known—lost their lives in trying to get to Australia because the Labor government had opened the door to the people smugglers and people were coming into Australia in any sort of vessel, safe or unsafe. As a result of that, we know that more than 1,000 people lost their lives—and we will never know the real figure.

For years and years the then opposition had been saying: ‘Go back to John Howard's approach where we did not have illegal maritime arrivals and we did not have children in detention. Do something about it!’ It became a major political issue for the Labor government, as a result of which they threw together at very short notice this dodgy deal to reopen the Manus Island detention centre. Because it happened so quickly the department was not prepared for it, the facilities needed to re-open the Manus Island detention centre were not available and it was thrown together in a slapdash way. The evidence given at this inquiry did show quite clearly that corners were cut, the proper processes were not put in place and the proper facilities were not put in place. As a result of that, there was a lot of unrest on that island and at that detention centre. That all related back to the fact that this dodgy deal was done in double-quick time and without preparation. As a result of that, there was a lot of unrest, which culminated in the unfortunate death that I mentioned.

Sensible members of that committee said that the whole issue was being properly investigated by the relevant authorities in the country where this occurred. The Australian government had a very distinguished Australian, a very distinguished former public servant, look into the matter very carefully and there were police authorities in Australia looking into the matter. And yet the majority of that committee—that is, of course, the Greens and Labor members on that committee—decided that we should have a Senate committee conduct another inquiry into a matter that was already being very carefully and minutely considered by the proper authorities, the people who are trained investigators, who knew what it was all about and had the facilities to look into the incident and give various reports. Notwithstanding that, the majority of the committee—that is, the Labor and Greens members—went ahead with this inquiry, which I participated in as the deputy chairman.
It became clear that the Senate committee was not the appropriate place—it was not the right place; it did not have the investigative powers or the jurisdiction—to deal with what was, effectively, a criminal investigation. Notwithstanding that, the committee spent a lot of time hearing from various witnesses. Most of the witnesses—well-meaning people that they were—came to the committee with a preconceived idea of the whole question. Their evidence was by and large—there were some exceptions—hardly telling. It certainly was not the sort of thing that might lead to any real conclusion by the committee as to what happened and why it happened.

All that did come out from the committee hearing, and from the evidence given, was that this was an arrangement that was shoved together by the previous, Labor government—the Rudd Labor government—in double-quick time to address a political problem that the Rudd government had in the run-up to the 2013 election. The report before us does not really add much to what the proper investigations have already determined, and what the proper authorities have already said.

In concluding, I thank the Department of Immigration and Border Protection. They were the first to admit that these things had been rushed together under the term of the Labor government. I know a lot of the officers of that department were under enormous pressure. In six years they had dealt with over 50,000 illegal maritime arrivals. They were working at very intense rates to try and deal with this influx of illegal maritime arrivals to our shores, and there was this deal done just before the election by the Labor government to try and set up this Manus Island detention centre, just to fix a political problem. There was never any intention of fixing the real problem; this was to fix the political problem which the then Labor government had found itself embroiled in.

I thank the departmental officers. I thank the committee staff who contributed to this inquiry. They, as always, did their professional work, and did it very well. (Time expired)

The DEPUTY PRESIDENT: Senator Ketter, you were seeking leave to continue your remarks on that document as well?

Senator Ketter: Yes.

Leave granted; debate adjourned.

ADJOURNMENT

The DEPUTY PRESIDENT (18:25): Order! I propose the question:

That the Senate do now adjourn.

Telecommunications Data Retention

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (18:26):

I rise to speak briefly about the government response to the Parliamentary Joint Committee on Intelligence and Security report on the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014.

I had the pleasure of being on that committee. In fact, I have been on that for all three of the recent tranches of national security legislation, and this one has been another example of the bipartisan approach that this parliament has taken to the important area of national security. I welcome the fact that the government has decided to support all of the committee's recommendations, which was a unanimous and bipartisan report.
This legislation is important to preserve one of the most important tools that our security agencies have in combatting a whole range of crime—from sexual offences, particularly against children, through to drug crime, counterterrorism investigation, cybercrime and counterespionage. There are a number of people who have raised concerns about this legislation, and a number of comments have been made about it.

I just want to dispel a few of the myths. One of the myths is that it is largely ineffective because there are so many other options for people to communicate, but the reality is that metadata is used, in almost every case, to solve serious crime such as murder, rape and kidnapping, as well as the others that I have mentioned. People have raised concerns that the government will be able to listen in to all of their calls and emails. Nothing has changed with regard to the material that is required to have a warrant. A warrant issued by an authority is required before law enforcement agencies can access the content of any communication.

There is a myth that the government will be able to look at everything that you are doing online, but there is a clear prohibition that the committee has put into its recommendations— which the government has accepted—that web browsing information will not be included in the data retention. The government is not collecting this information and storing it. It is being collected and stored by the telcos—the telecommunications providers—who already collect that information for their own business purposes. This legislation sets a common time frame that all of those providers must retain that information for.

The other concern people have had is about the range of agencies that can access this data—and that has been a valid concern. Under the existing regime not only groups such as ASIO, the AFP, the police, ASIC or the Crime Commission are able to access data; groups right through to the RSPCA or local government can access data. There is quite an extensive list. One of the features of this bill is that it limits the number of groups quite substantially, bringing it back to those who are dealing with serious crime, criminal activities, or crimes such as the ones that ASIC would look into in terms of corporate crime.

There is quite a strict regime around who else can be provided with access to that data and, whilst in an emergency the Attorney-General can make a determination, it has to be passed within 40 days in legislation for that to take effect. So there are a number of safeguards put in place there.

I will give two quick case examples to demonstrate why it is important to have a common period for retaining this data across the telcos. In February 2014 the AFP received information regarding a person who was uploading suspicious photographs to an image-sharing website. Two IP addresses had been used by the suspect, and so the police submitted a request to the telcos to identify the user. One of the telcos retains data for a long enough period and they were able to identify the person. The other telco was one that does not retain data for long and it could not provide the other IP address the person used. In this case, the police were able to successfully prosecute that person. Go forward to June last year and a case where Interpol had advised the fact that a child, a baby, was at serious risk of sexual abuse. The telco did not hold the data, and so the police were unable to take action to protect that child. We need this tool in a consistent manner for our law enforcement agencies, and I welcome the government's response. (Time expired)
Ageing Population

Senator POLLEY (Tasmania) (18:31): I rise tonight to speak on the topic of aged care, aged-care service improvement and the Healthy Ageing Grants scheme. Australia's population is undergoing a profound change: more of us are living longer. The population aged 65 years and over is projected to increase from 3.2 million people at 30 June 2012—or 14 percent of the population—to between 5.7 million and 5.8 million people by 2050, which will be equal to 25 percent of the population. At the same time, the proportion of working-age people is projected to fall. This has created, and will create, many issues for the aged-care sector.

One of the biggest issues that has emerged from the aged-care sector has been the ability to recruit and train enough staff to cope with future demands. According to the Department of Social Services, in 2012 there were approximately 352,000 estimated employees in the aged-care sector. The DSS has projected that, in order for the demand to be met, an extra 475,000 staff will need to be recruited by 2050. This represents an enormous challenge for the government to deal with and further highlights the need for the Abbott government to have a dedicated minister for ageing. Instead, they neglect the challenge and continue to demonstrate their lack of interest in this important area of policy. This challenge could, and should, be addressed right now.

Additional challenges include the provision of residential and community care, the provision of a decent quality of life for the aged and the challenge of maintaining quality standards in care facilities. But the Abbott government continues to frame these issues as an economic burden. The Abbott government continues to only speak of these issues in terms of cost. I do not believe that these issues should be seen as a burden; I believe that this should be seen as an opportunity to provide a better standard of living for older Australians.

Through my discussions with the community and community groups, the issues around retirement are continuously raised with me. Often when people retire they are faced with feelings of insecurity; they no longer feel valued or useful. But these are skilled people who still have a significant role to play in our community. They have skills and talents that can be passed on to younger generations and, importantly, they can use their life experience to be mentors and to guide younger people through important decisions in life. This expertise and mentoring could lead to better employment opportunities for those who are prepared to engage. Why then doesn't this government explore this as an idea moving forward? This demonstrates that older Australians can and do have a significant role to play in our society, but instead the Abbott government continues to harp on about the costs of the ageing.

The Aged Care Service Improvement and Healthy Ageing Grants scheme, or ACSIHAG, was established to provide funding to organisations and groups that strengthen the capacity of the aged-care sector; promote healthy and active ageing to respond better to existing and emerging challenges; and to better support services that engage with the minority groups and Aboriginal and Torres Strait Islanders. At the estimates hearings last week we discovered through our questioning that 618 organisations had applied for funding but only 54 actually received it. When quizzed on which organisations failed to receive funding, the assistant minister could not provide a response. We have a government that is still refusing to provide any sort of detail as to which organisations and which projects have been refused.

Older Australians should not be treated as an economic burden; they should be treated as people who have a valuable contribution to make to our communities. This is a government
that is dysfunctional and inward thinking. Older Australians deserve so much more from this
government. But, as we have seen over the last few weeks, the Prime Minister of this country
is more concerned about governing for his own job than for the broader community.

Aged care is an area in which we face challenges. We have offered to work with the
government to resolving these issues, but it needs leadership and, unfortunately, the Abbott
government has never placed the priority on ageing that it should. When we were in
government, we had a minister for ageing who was a member of cabinet, because ageing
issues go across all portfolios. It is a poor reflection on this government that they do not give
ageing the priority that they should. *(Time expired)*

**Manufacturing**

Senator MADIGAN (Victoria) (18:36): Tonight I would briefly like to speak about
manufacturing in Australia. Today the Parliamentary Friends of Manufacturing hosted a
breakfast for Manufacturing Australia, and we had some of Australia's leading manufacturers
in attendance. They were at pains to express to us at the breakfast the positive message about
Australian manufacturing and food processing and the social, economic and environmental
benefits that they bring to our country. They told us about the trades, the skills and the
prosperity and the fact that Australian manufacturing is not on its knees, so to speak, but
makes a very vital contribution to Australia. It employs five times the number of people that
the mining industry does in Australia.

It was also heartening to hear Capral aluminium speak about the work of the Australian
Anti-Dumping Commission, the ADC, and the fact that they have acted—a step in the right
direction—on aluminium that has been dumped in this country by China. That should be
acknowledged. But they also said today that we need to ensure fair trading conditions in
Australia through a strong antidumping regime; that Australian standards legislation should
be applied to imported manufactured products as it is applied to products made in Australia;
and that we need to work towards enhancing the competitive advantage of Australian industry
and not allow other countries to benefit at our expense through us supplying them with cheap
energy at the expense of our manufacturers and food processors.

On 29 May, we will be hosting the next Australian Manufacturing and Farming Program
industry showcase at the Wodonga TAFE college. Companies such as the Wilson
Transformer Company from Wodonga will be there. They make a world-class product. They
may WorkCover. They pay superannuation. They provide a safe workplace. They do not
consume people to make their product, unlike some of their foreign competitors. The list goes
on in the Albury-Wodonga region of the valuable contribution that Australian manufacturing
makes, from the world-class forging of Overall Forge, to the Apex Tool Group and the
famous Lufkin tapes and to Seeley International, with Braemar hot water services and air-
conditioning units.

Also this week we have had the announcement that in a few months time, later this year,
we are going to have a 'manufacturing meets parliament' exhibition, similar to Science meets
Parliament. I would encourage all of my fellow senators in this place to visit this to see the
valuable contribution that manufacturing makes to our country and the fact that Australian
industry is at the cutting edge—and to have more empathy with our manufacturers and our
food processors and the valuable contribution that they make to jobs, skills and the prosperity
of our nation.
Nuclear Energy

Senator EDWARDS (South Australia) (18:40): I rise to offer some remarks in relation to the South Australian government's recently announced royal commission to explore a potentially expanded role for South Australia in the nuclear fuel cycle. First, let me say clearly and without reservation that the royal commission is good news for South Australia, and I congratulate Premier Weatherill and the South Australian Labor government—

Senator Birmingham interjecting—

Senator EDWARDS: yes—for this initiative. It is fitting that you are in here, Senator Birmingham—through you, Mr Deputy President—to hear this. It is no minor thing for a Labor Premier to defy his party's historical position on nuclear matters, not to mention his own views as previously expressed, so I applaud his pragmatism.

South Australia is an economy in desperate need of a circuit-breaker. Its government has delivered six deficits in seven years and tried to tax its way to prosperity. We have a net debt projected to rise to $14 billion in 2016, with total liabilities exceeding $28 billion, and we consistently achieve mainland Australia's highest unemployment rate. Now South Australia is the highest taxed state in the country too. This is unsustainable. Any number of traditional and unorthodox approaches have been tried by government, and yet here we are. No number of small bars and festivals will save our state.

What my state needs are innovative champions to drive economic prosperity. South Australia needs a point of difference, one which attracts business, industry and jobs. While South Australia benefits enormously from the export of energy resources, we need to develop innovative policies that attract the investment required to continue to grow this sector and the economy more broadly.

North America is in the midst of an unconventional energy boom which has transformed the US economic landscape and energy self-sufficiency. Cheap energy has kick-started the American economy, and it has helped reduce their carbon footprint, all in five years. Expanding shale gas production in the US, the development of tar sands in Canada and the accelerating development of wind and solar power have unsettled global energy markets.

The opportunity for South Australia to develop a nuclear energy industry, manage waste and fully exploit other relevant opportunities in the nuclear fuel cycle is a real one. What we need are champions to drive it. In the course of the royal commission, we must ask ourselves: how do we generate an economic renaissance for South Australia? And what will the defining reason for industry to come to South Australia and bring the jobs with it be? Make no mistake: the royal commission can provide the answers to these questions if we are willing to listen.

I put on the record that I for one am listening. I look forward to advocating federally and in a bipartisan spirit on behalf of the people of South Australia and in the interests of our state with respect to the opportunities that are presented by the royal commission.

Higher Education: Student Services and Amenities Fee

Senator McGRATH (Queensland) (18:44): There is a new shame in politics and I am guilty as charged of the shame—that is, to have been politically active when younger. I am very proud to have been a Young Liberal as a student and still recall being signed up to the Griffith University Liberal Club by Brad Woods back in 1992 when I was a new uni student.
Around this time of year, many new uni students head into campuses right across Australia to commence their studies for the year. For them, it is an exciting and nervous time as they plot out their subjects and become immersed in student life. University orientation week, or o-week, energises campuses and energises students with an explosion of activity. There are meet-and-greets, sports, music, student clubs vying for membership and of course launch parties for the year. Special mention for the best launch party anywhere in the world must go to the Queensland University of Technology student guild, which held the world largest toga party at the Riverstage in Brisbane last Thursday night.

Senator Birmingham: I went to toga parties.

Senator McGrath: You went to toga parties at university?

Senator Birmingham: That is bringing back memories.

Senator McGrath: Good memories, I hope. The toga party in Brisbane was an epic success with 8,000 students in their parent’s best bedsheets enjoying music and fireworks by the Brisbane River. To Jack McGuire, Will Taylor and the EPIC team, well done. And thank you for your invitation to attend. As much as I would have loved to attend, I sadly could not find a toga. Quite frankly, being surrounded by 8,000 merry, semi-clothed uni students would have been rather a distraction and career limiting.

Senator Smith: Not very sanitary either.

Senator McGrath: Several thousand years ago perhaps.

During my time as a senator and before, I have had many opportunities to visit campuses across Queensland and met students on the ground. In particular, as a former president of the Griffith University Liberal Club, I had the immense pleasure of working with the resident freedom lovers on campus, the Liberal National clubs. During their o-week this year, the Queensland Liberal National clubs at the University of Queensland, the Queensland University of Technology, Griffith University, James Cook University, the University of the Sunshine Coast and Bond University all achieved increased membership. They had fantastic stalls and great engagement from students, as they promoted the values of liberty of the individual, free markets, small government and low taxes. I commend the Liberal National clubs for their work.

One of the key issues the Liberal National clubs are fighting for is the abolition of the $286 tax on university students, known as the student services and amenities fee or SSAF. My views on the SSAF are well known. I am a firm believer in freedom of association, including the right not to associate and support full voluntary student unionism at universities. The SSAF is a Labor-Greens Trojan Horse on the way to compulsory student unionism. Some people might quibble that $286 is not a lot of money; $286 is a lot amount of money for university students, especially when it is appropriated without choice, denying students the ability to spend their money on what they believe to be important to them.

Let me provide a breakdown of what a typical university student could buy with $286—and this may reflect some of my interests when I was at university. It is two weeks of rent; 524 packets of noodles; 1,310 pens; 149 cans of Red Bull energy drink; 81.87 litres of beer; or 5.7 litres of Bundaberg Rum. Labor and the Greens like to jump up and down, huffing and puffing about student poverty. They like to pontificate about the rights of individuals to

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associate and have their voices heard, particularly when it applies to their trade union paymasters.

One might think that taxing university students $286 a year and diverting those funds to organisations and services that students may not want and do not use would outrage senators opposite. But you would be wrong. The SSAF represents an attack on the fundamental freedom of association. Yet Labor, the Greens and their comrades in the National Union of Students feel no hesitation in pilfering from students to fund their own leftist propaganda machine. Let us be clear, that is exactly what the SSAF does.

Technically, there may be prohibitions on spending SSAF funds for political purposes, but there are always ways for a Labor politician to dodge the books. They start them young. Last year, at the University of Melbourne, we saw allegations that the student union used SSAF funds to help stage a launch by the Leader of the Opposition, Mr Bill Shorten, and Senator Carr for Labor's scare campaign against the government's most excellent higher education reforms—a shameful example of partisan politics being played with student money. But that is nothing compared to the shenanigans that have been exposed in the National Union of Students.

The National Union of Student, funded by student union affiliation fees, almost entirely appropriated through the SSAF, is in a very dismal, dire and dodgy financial situation—not too dissimilar to how the Labor Party left the Australian budget when they lost office in 2013. Young or old, Labor politicians certainly know how to do debt and deficit well. They may train them young but they never learn.

An audit report leaked in December last year revealed that the NUS had sustained deficits of $192,000 in 2011-12; $78,000 in 2012-13; and $95,000 in 2013-14—$366,000 over three years. These shocking losses are due to the waste and mismanagement of successive Labor student office bearers. I note that the executive did not advertise this fact when they appeared before a Senate select committee recently. Now they have squandered all of that student money, the NUS executive has no idea how to fix the mess it has made. The parallels to their federal counterparts are eerily familiar. Former president of the NUS Deanna Taylor stated that the NUS is unlikely to exist within a few years if its finances cannot be rectified—and that would be a shame. Former general secretary Isabelle Kingshott was far more forthright, saying that the NUS is up the proverbial creek without a paddle.

In the wake of these findings, the NUS has scrambled to cut its costs and tried to persuade the 20 out of the 39 Australian student unions still affiliated to the organisation to maintain their affiliation fees at current levels. This crisis has also exposed the worst of the Left's hypocrisy. At its most recent national conference, the NUS removed funding for its national Aboriginal and Torres Strait Islander, international students and disabilities officers. Then, this year, the new NUS executive have started off on a junket around the country. They have travelled to Canberra, Brisbane, Hobart, Perth, Sydney, Adelaide, Armidale and Newcastle on an extravagant, student-funded junket. Rather than representing students as claimed, executive members—all active in the Labor Party—have taken the opportunity to engage in partisan campaign events against the coalition and to have a holiday at students' expense. This shameful behaviour only further highlights the moral deficiency in taxing students and limiting their freedom through the SSAF.
In my first speech, I made a commitment to introduce a private senator’s bill to abolish SSAF. Since that time, I have consulted with my colleagues and other stakeholders and will continue to do so on the best way to achieve that. I know that I am not allowed to use props—and I will not, Mr Deputy President—but I have a draft bill here.

Senator Smith interjecting—

Senator McGrath: Senator Smith, I will not do that. I do not want to infringe the standing orders. In the coming sitting weeks, once the consultation on the draft bill is finished, I intend to give notice to introduce a bill with the aim of abolishing the Labor-Greens SSAF and re-establishing voluntary student unionism as implemented by the Howard government. I thank the Senate Procedure Office for their drafting assistance to date and for providing advice on how to progress this matter. I commend the work of my fellow freedom lovers in the Young Liberal Movement and the Australian Liberal Students’ Federation to restore voluntary student unionism and welcome their continued calls for the abolition of the SSAF. Freedom of association and liberty of the individual are not abstracts. Freedom and liberty are core definitions—indeed, the pillars of a free society. While SSAF exists, students neither have freedom nor liberty.

Industrial Relations

Senator Lines (Western Australia) (18:53): Yesterday, along with thousands of Australian workers and community members, I attended the March 4 rally, here in Canberra. I went to the rally to support Australian workers and to be in solidarity with my union comrades. One of the key features of these rallies that were being held across the country was the Abbott government’s attack on penalty rates. There are up to 4.5 million Australians and their families who depend on penalty rates to make ends meet, and they have very good reason to be worried.

Penalty rates have been under threat from the Abbott government since its election. If penalty rates are safe, why then give the Productivity Commission carte blanche to investigate the entire workplace relations framework. So sensitive is Minister Abetz to the whole issue of penalty rates that we had the most bizarre situation in Senate estimates last week with the minister, supported by his bullyboy backbenchers, trying to get me to show him where the Productivity Commission inquiry said the word ‘penalty’. Of course, what we know of the minister and, indeed, the whole Abbott government is that they do not let truth get in the way of a good story, and they change their stories to match the circumstances.

The Productivity Commission inquiry is called Workplace Relations Framework. It implies that penalty rates, along with the minimum wage and other conditions of employment, will be examined, because, by any reckoning, they are in ‘the framework’. Any number of the dot points in the Productivity Commission’s terms of reference go to the examination of penalty rates. We now have the first issues paper, and at 1.4, under ‘What might need to change?’, there is a dot point which states:

- imposes high penalty rates for work outside the five day working cycle …

So, to correct the minister, there in the document is the word ‘penalty’. Certainly, reducing or abolishing penalty rates has been on the minds of a number of employer associations. John Hart, from Restaurant & Catering Australia, has been harping on about penalty rates. He claims they are destroying the hospitality business, and he has been saying that for quite some
time. But who is John Hart? Well, according to the *Sydney Morning Herald* on 5 May last year, he is Mr Hockey's man. He is the chair of Mr Hockey's North Sydney Forum. The North Sydney Forum provides exclusive access to Mr Hockey in return for donations in the form of annual membership fees of up to $22,000. Mr Hockey, the forum and the New South Wales Liberals refuse to disclose the names of its members.

A New Year's Eve 2010 fundraiser for disgraced former New South Wales police minister, Mike Gallacher, was held at Doyle's restaurant at Circular Quay. Mr Deputy President, you may not be familiar with Doyle's, but it is one of the foremost restaurants in Sydney. The invite stated very clearly that Restaurant & Catering Australia are 'holding the event'. So there is a clear political relationship between Mr Hart and Mr Hockey. Mr Hockey, of course, is the author of the Productivity Commission's terms of reference—terms of reference which will examine penalty rates. Of course, penalty rates are a particular bugbear of Mr Hart's—a cosy relationship, indeed.

The Australian Hotels Association is also seeking unspecified reductions in penalty rates. A massive owner of these hotels is Woolworths. Woolworths like to sponsor political events and donate items for auction, as they did at the infamous function where Alan Jones made that disgraceful reference to our former Prime Minister Julia Gillard's father. Woolworths is one of the largest owners of poker machines in Australia—an industry that relies on problem gambling and the disposable income that penalty rates provide. Coincidentally, the former New South Wales chief of the Australian Hotels Association was none other than Paul Nicolaou, who also headed the Millennium Forum—the Liberal Party's fundraising arm. ICAC has alleged that more than $1 million in illegal donations were made to Liberal MPs through 'slush funds' linked to former minister Chris Hartcher and to former chief fundraiser Paul Nicolaou. ICAC also alleges that up to $700,000 in illegal donations were made to an organisation linked to Mr Nicolaou called the Free Enterprise Foundation, which then funnelled the money through to the Liberal Party—another cosy relationship.

Australia's biggest brickmaker, Australian Stock Exchange-listed Brickworks, wants its workers to start at 4 am, instead of the usual 6 am, as they do at present. Brickworks wants that work to start without penalties and, in addition to that, Brickworks wants to abolish weekend penalty rates. As we know, Brickworks featured prominently in the Liberal Party fundraising scandal in New South Wales last year over its donations to the party—another cosy relationship.

Another employer named as making a submission against struggling workers' penalty rates is Clubs Australia. Things cannot be that tough for Clubs Australia, as it managed to find $20 million to run a lengthy campaign against changes to laws regarding poker machines. This campaign was run against the Labor Party and saw sitting Labor MPs attacked in personal campaigns in pubs and clubs in their own electorate. Then came celebrity chef Luke Mangan's clanger: complaining at paying penalty rates to staff at his $80 million restaurant empire.

All of this comes at a time when our ABS stats tell us a completely different story. They tell us that turnover in the hospitality industry is increasing year on year, and that employment in the hospitality industry continues to rise. According to the most recent figures in the ABS Household Expenditure Survey, households spend around 25 per cent of their weekly food bill on eating out. That is up from 22 per cent in 1998-1999.
Then, of course, there are the bizarre comments by the Prime Minister, Mr Abbott—I do not know why we are surprised, because we should be used to his bizarre and chaotic comments by now. He said quite recently:

If you don't want to work on a weekend, fair enough, don't work on a weekend…

But what does the voting public think about penalty rates? We know what the rich and politically linked mates of the Liberal Party think. An Essential poll conducted just a month ago found there was 81 per cent support for penalty rates—a level that has remained unchanged for two years. Again, a clearly out-of-touch, chaotic PM believes that workers do not need to work weekends. But, of course, workers do not necessarily want to work weekends. They do so to make ends meet. The Prime Minister completely fails to understand that our communities would not function without the essential services which operate around the clock, and the workers who provide that workforce in aged care, hospitals, emergency services, disability services, cleaning, security, hospitality, airports—and the list goes on and on.

Penalty rate workers miss out on a lot of family time—children's events, weddings, sporting events, Christmas, New Year, Easter and other public holidays. Australians take their leisure time seriously, and most of our leisure activities and family time takes place on weekends or at times when night shift workers are sleeping. Of course penalty rates cannot and do not compensate for these sacrifices, but penalty rates are a significant part of take-home pay. Penalty rates represent around 30 per cent of the total wage of penalty rate workers.

At the Perth rally yesterday we heard from Jessie, a young hospitality worker. She said: 'Where to begin? My penalty rates mean everything to me. I know it sounds clichéd, but it is true: without penalty rates I would lose over 30 per cent of my pay cheque. Without penalty rates I will not have a job in hospitality, because it will not pay me enough.' These are the voices that governments should hear, not the voices of their rich and politically connected mates.

Road Safety

Senator RICE (Victoria) (19:03): Last Friday afternoon, just down the road from my office in the northern suburbs of Melbourne, a young man by the name of Alberto Paulon was riding his bike along Sydney Road with his fiancé. Albie was an Italian making a new life here in Australia. He had been given his bike as a Valentine's Day present from his partner. A parked motorist saw Albie's fiancée riding past and, believing that the coast was clear, opened her door, sending Albie into the path of a truck and killing him instantly.

Police have said that Albie was not riding too fast and that the truck that collided with him was under the speed limit. Members of the police were driving just two cars behind. They tried to resuscitate him with CPR but failed. Albie simply did not stand a chance. My heart goes out to his family and his loved ones. The cycling community and the wider Australian society are feeling for you.

Sydney Road is one of Melbourne's most dangerous routes for cyclists, who have to contend with cars, trucks, trams and pedestrians. But staying alive on our roads should not be too much to ask for. I stand here today as a passionate cyclist. I rode my bike from Melbourne to Canberra to take up my seat in this place. I listened to people's stories and concerns along
the way. It is from listening to people that I know that feeling unsafe on our roads is the biggest factor that prevents people from getting on their bikes.

Although the death of Alberto Paulon sent a collective shudder through the Australian cycling community, the message and legacy from Albie's death has to be to make cycling safer, not to stop cycling. It is fortunate that, despite the tragedy, Melbourne's bike riders continue to ride. The Bicycle Network held their annual Super Tuesday bike count this week, with numbers up by as much as 17 per cent in some areas. We need to make sure this trend continues by giving people safe cycling infrastructure. This is only going to happen with the cooperation of local, state and federal governments. There is huge potential to increase cycling numbers.

In Melbourne, around half of the trips made by car are under five kilometres—which is an easy distance for most people to ride. If just some of these trips were made instead by bike or on foot, the benefits would be enormous. If we create smooth, connected bike paths and lanes, safely away from car and truck traffic, people will ride. If we provide well-lit and shaded walkways, people will walk.

The health benefits of walking and cycling are clear. They are great ways to lose weight. If you have a 15-minute ride to and from work or school, you will burn nearly five kilos of fat every year. We all know that rates of type 2 diabetes in our community are skyrocketing. But that same ride to work can lower your risk of developing diabetes by 40 per cent. And it reduces your chances of stroke, cardiovascular disease and heart attack.

Being out and about on your bike is also good for your mental health. It has been shown to reduce stress, depression and anxiety, not to mention the social opportunities that come with meeting other people in cycling groups. This reduced strain on our health system should be enough in itself for us to be taking active transport seriously.

Investing in this active transport, however, is incredibly cost effective too. People who cycle and walk enjoy big savings to their household budget, spending less on petrol and maintaining their car. Looking at the bigger picture, this investment generates economic activity in the manufacturing and retail sectors, and creates huge savings to state and federal budgets. Building and maintaining cycling infrastructure makes sense when it comes to jobs too. Dollar for dollar, cycling infrastructure creates almost twice the number of jobs than other road projects. Replacing car parking with bike parking in shopping areas is also efficient because you can fit eight bikes into the place that would only fit one car parking bay, meaning more people can get to the shops.

Working as a transport planner at Hume City Council was an eye opener for me. Despite almost universal acceptance that we face massive planning and transport problems, despite agreement about potential solutions and despite widespread knowledge of the benefits of walking and cycling, we are no closer to creating real alternatives to car dependency than we were twenty years ago. We have a federal government that has made the bold commitment to contribute no funding to public transport, and, sadly, our Prime Minister's love of cycling does not extend to investing in bicycle infrastructure.

While members of the government are all too eager to put on the hard hat and announce new infrastructure, the only infrastructure we see from this government are expensive, polluting tollways; freeway interchanges; and more ring roads. The last federal transport
budget trumpeted its investment of $50 billion to deliver 'vital transport infrastructure for the 21st Century'. None of that is directly tied to cycling, walking or public transport, zero. And when transport projects do include cycling projects, they are conditional on building more and more roads. The $70-million upgrade to Melbourne's bicycle and pedestrian network that was tied to the $18-billion East West toll road. This active transport afterthought was just a fraction of one per cent of the total cost, and most of that was to fix up the mess that the tollway would have created.

The fact is that when you build more and more roads, you get more and more cars. With this comes more and more congestion, and calls for more and more roads. We need to break this cycle. The $18 billion slated for the 6.6 kilometre East West toll road would buy a lot of bike paths—18,000 kilometres of them, at a rough calculation. Imagine the difference that would make for cycling round the country.

This week, I have met with representatives of bicycle organisations from all over Australia who were in Canberra for the Australian bicycle summit. The summit identified three key issues and proposed solutions that would be first steps towards a healthier and more productive Australia. The first overarching issue was related to transport infrastructure and the lack of comprehensive active transport infrastructure. The summit proposed that infrastructure projects funded at all levels of government should reflect all transport modes including riding and walking. Secondly, the summit identified that bike rider fatalities were rising while the overall road toll was falling. The summit called on the government to carry out a broad safety review including assessing a minimum overtaking distance as part of the model Australian road rules.

The third issue was related to inactivity related illnesses which are on track to become the biggest killer of Australians at a cost of $58 billion in indirect costs per annum. The summit identified that Australia needs a national approach to physical inactivity to address chronic diseases, which should prioritise the active travel options of walking and cycling. The need for an effective and funded national approach to encourage walking and cycling is overwhelming.

We have a model to follow. The UK parliament has just legislated for a national 'walking and cycling investment strategy', which commits to setting objectives for walking and cycling in legislation and sets out what funding will be allocated to reach these objectives. We have the opportunity to do the same thing here. The Senate agreed today to call on the government to follow the UK's lead, and I hope the government is listening. By working with our counterparts at state and local levels for better active transport, we can create a healthier, happier and safer society.

Wild Dogs

Senator SMITH (Western Australia) (19:12): This evening I wish to draw the attention of the Senate to a matter of increasing seriousness for many pastoralists across Western Australia and one that should be of growing concern for everyone living across Western Australia. Growing numbers of wild dogs are causing havoc for producers in many parts of Western Australia, most notably in the Southern Rangelands, located within the federal electorate of Durack. Stock losses due to wild dog attacks are estimated to cost the Western Australia pastoral industry around $7 million annually, and have forced many small stock pastoral stations—sheep and goat stations—to destock.
All told, there are an estimated 60,000 wild dogs in Western Australia, located primarily in
the Rangelands across the areas of the Gascoyne, the Pilbara, the Murchison, the Goldfields,
and on the fringes of the eastern and northern wheat belt. The term ‘wild dogs’ encompasses a
range of breeds that include pure bred dingoes, hybrids and domestic dogs running wild. Wild
dogs kill and eat mainly according to need in unstocked areas, primarily across reserves. However, once that food supply has been exhausted, they move into paddocks and begin to
harass, bite and kill sheep, goats, cattle and horses.

Wild dogs usually attack stock from the rear, and will generally cause such severe trauma
to the animal that even if it survives, its injuries will be such that it requires euthanasia. Most
attacks are on sheep and goats; however, packs of wild dogs also attack and kill young cattle,
and often cause severe damage to the shanks and hindquarters of older cattle, making them
unsuitable for live export or slaughter.

In addition to attacks on livestock, wild dogs attack local fauna, significantly reducing
native animal populations, especially kangaroos and emus. They are also responsible for
attacks on domestic animals, including pets and ponies on rural properties as close to Perth as
Mandurah. Wild dog attacks are responsible for significant losses amongst WA’s pastoral
community. In 2012, the WA Pastoral Lands Board reported 42,258 stock losses due to wild
dogs across the Rangelands—a total loss of over $7.7million to the pastoral industry. Further,
wild dogs act as vectors for dog diseases such as distemper and mange, and they have been
identified as the prime vectors for the rabies virus should it ever enter Australia.

The impacts of the wild dog problem are no longer limited to WA’s pastoralist community.
As I mentioned a moment ago, there have been attacks on domestic animals and fauna around
Perth’s urban fringes. In addition, wild dogs are becoming a major issue for mining companies
in the Pilbara, with sightings occurring closer to mine sites and camps, raising significant
occupational health and safety concerns. Some mining companies have even begun
employing their own doggers to reduce population levels.

The WA department of agriculture has to devote increasing resource levels to tackling this
significant and growing problem, and it says that wild dog numbers in WA have been steadily
growing over the past six years. Wild dogs and dingoes are declared pests under the WA
Biosecurity and Agriculture Management Act and, under the law, control of wild dogs near
grazing areas is the responsibility of the landowner.

Techniques for the control of wild dogs include baiting with poisoned meat and, to a lesser
extent, trapping and shooting. Safe and humane wild dog control measures are supported by
the RSPCA of WA. They are also supportive of a program of forced sterilisation of dogs in
remote communities to assist in reducing the hybrid population. Of course, this is not a
problem limited to the borders of Western Australia, as recognised last year when the
Minister for Agriculture released the National Wild Dog Action Plan and announced
Commonwealth funding of $280,000 towards wild dog management under the plan, to be
managed by the cooperative research centre. The plan is designed to provide a nationally
coordinated approach to wild dog management, controlled by an implementation steering
committee made up of representatives from peak industry bodies, including Wool Producers
Australia, and the Department of Agriculture.

Additionally, Australian Wool International currently provides funding for 48 groups to
conduct on-ground activities to control wild dogs. This includes funding representatives from
Western Australia to attend the National Wild Dog Advisory Group. However, this does not include any funding for what I would call 'on the ground' control activities. The main reason for this is that Australian Wool International is a levy body for wool producers and can only fund activities related to wool-producing sheep, such as merinos.

In Western Australia wool production is limited primarily to the Great Southern Region; in the pastoral areas, where wild dogs are most prolific, the prime grazing activities are goats or non-wool sheep varieties. There have been attempts to secure funding through Meat and Livestock Australia; however, this has not been successful thus far. The WA state government funds a series of programs to control wild dogs, including a trial bounty, the construction of the Murchison Region Vermin Cell— which aims to construct 480 kilometres of new dog-proof fencing connecting with existing vermin fencing—the refurbishment and extensions of fences at Esperance and Yilgarn, and funding professional doggers.

The construction of the new fencing will require a total investment of $4.5 million, which is being sought though the Mid West Development Commission's Royalties for Regions funding, with pastoralists agreeing to contribute half of the $4.5 million through a levy. Recently, the Sunday Times in Perth featured the story of the owner of Challa Station, Ashley Dowden. He also serves as the Mount Magnet Shire President, and chairs the Meekatharra Rangelands Biosecurity Council, which covers 92 pastoral leases and 13 million hectares. Ashley and his wife Debbie destocked entirely in 2008, unable to contend any longer with their flocks being decimated by wild dog attacks. Ashley remembers:

“We were mustering for shearing and putting them in holding paddocks and going in the next morning and there were dead sheep everywhere from dog attacks. Debbie recalled that over a two-week period in 2008, their goat stock was entirely destroyed. She said:

The goats disappeared, followed by the sheep ... and they paid the bills. If we were lucky, there was a bit left over to put in the bank to cover the hard times. The pastoralists themselves were the next to go and next, of course, will be the sustainability of the land, because no one will be left to manage it.

The flow-on impacts are significant. With pastoralists destocking, there is no work for shearers, no work for wool pressers, no work for fencers, no work for caterers and no work for shed hands—many of whom are local Indigenous people.

With work drying up, people move on to other locations, destroying the viability of local businesses and sporting and service organisations, adding to the pressure of regional towns across Western Australia. Many, including the Dowdens, are convinced that construction of the Murchison Region Vermin Cell, the 480-kilometre fence line, is the one thing that is needed to again make the wild dog problem manageable. The project has the support of WA's Liberal minister for agriculture, Mr Ken Baston. However, a proposal supporting the construction of the fence was sent to the Department of Regional Development in February 2014 but has apparently been stalled there. We need to know where it is up to.

It is clear that the wild dog problem is having a devastating impact on regional communities across Western Australia, particularly in those areas of Durack, and is threatening their very viability. This is far too big an issue for bureaucratic pettiness. I urge WA's Minister for Regional Development, Terry Redman, to give this project his urgent attention and provide some hope and assistance in a part of WA where it is desperately needed.
I rise tonight to speak about matters of grave concern. Soon, I will soon be moving a motion in this chamber to establish an inquiry into foreign corrupt practices. I have documents in my possession, provided by whistleblowers, that demonstrate the extent and depth of this issue I am proposing an inquiry to consider the economic consequences of foreign corrupt practices, the practice of facilitation payments to foreign officials and the role and resourcing of the Australian Federal Police and other agencies to properly investigate these matters and consider what further actions should be taken to ensure this stain on our national reputation is removed.

This inquiry will be in part a continuation of the work the Economic References Committee is already doing on corporate tax evasion. I will propose this new, thorough inquiry not begin its work and its hearings until the Senate Economics references Committee has completed its current workload on tax evasion. I will consult with law enforcement agencies, legal academics and transparency experts before coming to this place at an appropriate time with some appropriate terms.

In September 2013 the High Court rejected an appeal by three Fairfax journalists who refused to comply with an order to disclose their confidential sources. Everyone in this place should be familiar with the story in question by now. Back in 1998 staff at the subsidiary of the Reserve Bank of Australia, Note Printing Australia, dreamed up a scheme they called Delta Project to sell plastic bank notes in Iraq, Indonesia, Vietnam and Malaysia by, allegedly, bribing foreign officials in each country. You may also recall that during this period two of the journalists, Richard Baker and Nick McKenzie, continued to publish allegations of foreign bribery against contracting giant Leighton Holdings and its former CEO, Mr Wal King.

On 3 October 2013, the pair wrote:

Hundreds of confidential company documents, obtained during a six-month Fairfax Media investigation, also reveal a culture of rewarding corruption or incompetence, and abysmal corporate governance in what looms as the worst recent case of corporate corruption involving a major Australian firm.

Mr King is now the Executive Director of Sundance Resources. A few months later I had the opportunity during supplementary estimates in November 2013 to ask ASIC’s head of enforcement, Chris Savundra, what the regulator was doing about these allegations. We had another opportunity during additional estimates in February 2014. I will come back to our regulator later.

Those in this place with longer memories than I will also recall the AWB scandal. It was incomprehensible that anyone in this country could be accused or be involved in paying bribes and collusion with Saddam Hussein. Tonight I rise to outline documents making further allegations of corruption in foreign jurisdictions by Australian companies and to pose the question to our regulators, law enforcement, policymakers and legislators in this chamber and the other place: how much longer are we able to tolerate this?

Tonight I shall name persons associated with Leighton Holdings, Leighton Offshore and mining contractor Theiss. Let me be clear: I am not proposing an inquiry simply into Leighton, but Leighton serve as a powerful case study for foreign corrupt practices and how
the powerful can exploit the system. There will be other examples, including the allegations 
BHP attempted to bribe Chinese officials.

The first document in my possession is an internal memorandum showing the Leighton 
employees firmly believe they were terminated because they raised concerns about the corrupt 
conduct of a Mr Gavin Hodge. The allegation is that kickbacks, which are a negotiated bribe, 
were paid to Leighton staff to divert steel from the construction of a barge in Batam, an 
Indonesian island close to Singapore, to build another barge for the Adani Group, an Indian 
conglomerate headquartered in Gujarat, India. The memorandum states that approximately 
$500,000 Singaporean dollars' worth of high tensile steel was procured but not required for a 
barge—the Eclipse—that Leighton was contracted to build. The memorandum concludes that 
an internal investigation was inadequate in scope, execution and management follow-through.

A further document is a related whistleblower email chain. Gavin Hodge is alleged to be 
the corrupt project manager. Leighton employees Barry McCalla and Alan Fenwick allegedly 
witnessed bribes and corruption. David Savage and Russell Waugh were former executives 
with responsibility for the Batam project and it would seem failed to act on corruption. Wal King was the CEO of Leighton Holdings at the time.

A third document in my possession is the transcript of a memo handwritten by another 
former Leighton CEO, David Stewart, that alleges Leighton paid millions in bribes via an 
NSC. An NSC is a nominated sub-contractor, which appears to be the preferred method of 
funnelling kickbacks. A fourth document is a court paper naming the NSC in this case, 
Monaco based Unaoil Limited, and 'marketing fees' of $55 million dollars.

I also have a transcript of a UK court judgment between Unaoil and Leighton from 
September last year setting out findings of fact in relation to this matter. This allegation was 
investigated by both Leighton and the Australian Federal Police. David Savage was the 
former Senior Executive who allegedly approved the bribe payments. Former CEO David 
Stewart was allegedly told of the bribery but did not act. Wal King was CEO and board-
member of Leighton Offshore—the relevant entity—during Iraq project negotiations.

The corruption that plagued Leighton also afflicted its subsidiary, the mining contractor 
Thiess. In my possession I have a summons to appear before Indian police for the Australian 
managing director, Bruce Munro, from November 2013. The allegation is that Mr Munro 
signed an MOU with corrupt Indian businessman Syam Reddy promising to provide him with 
a lucrative sub-contract worth at least $90 million if he helped Thiess secure a multibillion-
dollar coal contract in the Indian state of Jharkhand.

I also have photographs of a confidential internal memorandum from Thiess. According to 
this document, Thiess made dozens of bank transfers to three Indonesian police and army 
chiefs in return for these officials ordering their troops to provide security at a Thiess mine in 
Melak, near Borneo. The document shows Thiess wired monthly payments of $1,200 to the 
bank account of the wife of the Melak army chief. The Australian firm also made regular 
$1,300 payments to the Melak police chief Tri Hartono and $1,200 payments to the head of a 
commando unit, Otriel Ruddolf Summal. It is believed the monthly payments were made for 
four years. Put simply, these documents suggest that Leighton's subsidiary was paying 
Indonesian commandos and paramilitaries to do their dirty work during an industrial dispute 
with indigenous workers.
For both clarity and the *Hansard* record, Mr Wal King was CEO of Leighton Holdings from 1987 until 31 December 2010; Mr David Stewart was temporary CEO from 1 January 2011 until he was replaced by Mr Hamish Tyrwhitt in August 2011; Mr David Savage, was a senior executive with Leighton International from 1988 until 31 March 2011. As part of the inquiry that I will propose, I will invite those named to present their side of the story—but, I hasten to add, after consultation with law enforcement agencies I intend to use every power available to me through the Australian Senate to ensure that the allegations of corrupt behaviour by Leighton Holdings are properly aired.

I turn to the Medcraft position. These allegations are not new. In a speech to an AmCham lunch in October 2013, on the eve of a Senate inquiry into the performance of ASIC, its chairman, Greg Medcraft, was forced to publicly respond to allegations that they were not doing enough. Mr Medcraft said that bribery of foreign officials falls under sections 70.2 and 70.3 of the Criminal Code, a law mainly enforced by the Australian Federal Police, who are responsible for investigations and bringing criminal enforcement actions through the courts. He assured his audience that the 'AFP are the bribery specialists'. ASIC, on the other hand, has no legislated jurisdiction over foreign bribery. Its role is limited to investigating breaches of corporations law and bringing civil enforcement actions.

In the small number of cases where a company is involved in bribery it might mean the directors are liable for breaches of the Corporations Act. ASIC also hangs back if there is a criminal investigation or enforcement action under way. A criminal defendant, quite properly, has a right to silence in Australia, so courts routinely stay civil proceedings that may compromise that right. Civil penalties for a director's breach of the Corporations Act are a maximum fine of $200,000 and being banned as a director. In comparison, the maximum penalties for the criminal offence of bribing a foreign public official is 10 years in prison and a $1.7 million fine, or both, and automatic debarment to acting as a director for five years after release from prison.

One of the points Mr Medcraft made was that the underlying question in deciding whether to act is whether or not a company or its investors suffered any loss, whether the bribe materially harmed the company or whether the 'extent of harm or loss' would have a broader impact on the market. He asserts that for a successful director's duty prosecution—presumably a civil prosecution, where the bribe materially harmed the company—the case must prove the director was negligent, and that this negligence harmed the company. I put to this chamber that it is time to review this standard.

In 1999 Australia adopted OECD antibribery recommendations for the Commonwealth Criminal Code. The principal obligation of parties to the convention is to criminalise the bribery of foreign public officials by requiring each country to make it a criminal offence for any person intentionally to offer, promise or give any undue financial or other advantage to a foreign public official, to influence the official in the performance of his or her official duties, in order to obtain, or retain, a business or other improper advantage, in the conduct of international business. Australia's legislation is reviewed by OECD every couple of years. In October 2013, the OECD review panel noted that while the Australian Federal Police had MOUs with several Australian government agencies, it did not have any formalised agreement with ASIC.
Australia has a poor record of successful prosecutions in this area, clocking up only one prosecution in the 13 years to 2013. The OECD has been scathing of our response. We should be, too. Australia urgently needs to reform both its legislative framework and its approach to enforcement. Australia should consider looking at adopting measures from the UK's 'gold-standard' antibribery legislative model that focuses on 'failing to prevent bribery'. Reforms could include introducing an absolute ban on facilitation or 'grease' payments; making bribery a strict liability offence—removing the difficulties in proving the intention to bribe, making it harder to rely on foreign custom or law as an excuse; and stronger penalties, more detailed reporting and tougher offences for failing to properly report. We could consider requiring auditors to examine a company's foreign transactions for potential violations, improving whistle-blower protection and expanding Australia's jurisdictional reach—which is one of the strengths of the US and UK legislation.

But new laws without new teeth can be of little value. Australian law enforcement agencies need proper resourcing and a change in attitude. We can look to the UK and US for ideas, including court-supervised deferred-prosecution arrangements and plea bargains to overcome resourcing or complexity issues, extending statute of limitations constraints and improving incentives to self-report. We should make it easier to go after corrupt individuals within companies, by not allowing them to hide behind a corporate veil or to treat fines as just a cost of doing business. We need clear guidance on all of these things so people know what their obligations are.

I want to make it perfectly clear that, while Leighton Holdings serves as a strong example and case study of foreign corrupt behaviour, on the evidence presented to me it is not alone. There are other companies and other issues, particularly the conduct of BHP and the allegations of them bribing Chinese officials in the lead-up to the 2008 Olympics. Those allegations deserve to be aired and need to be heard. This is not simply a witch-hunt or a look at Leighton Holdings; this will be a broader look at the larger issue of foreign corrupt practices and the failure of Australian law, and it will ask what can be done and how can we improve. Unfortunately, I believe that some of Australia's leading business figures will be tied into this process. The international tide is turning against corruption. Developed and developing nations alike, including China, are getting serious about coordinating an international response to deal with this stain.

I want to put on the record that I am grateful for the incredible in-principle support I have received from a variety of crossbench senators. I acknowledge Senator Christine Milne as someone who has been very outspoken about these issues over a long period, and others, including Senator Xenophon, have been very strong advocates for pursuing this course.

I want to also acknowledge the in-principle support from a range of senators including Bob Day, David Leyonhjelm, Ricky Muir, the Palmer United Party, Independent Senators Lambie and Madigan and also the very many members of the Liberal and National Party with whom I have spoken to about this issue in recent weeks and who have shared their views and concerns. I assure them that I plan for this to be collaborative process where we will come up with terms of reference that will tackle and address what has become such a large and important issue, but certainly one that I believe can and will remain above the day-to-day fray of politics.
While I may be speaking tonight to an almost empty chamber, let the *Hansard* note that I am incredibly grateful for the large amount of support I have received for this course from a large cross-section of senators. This is an important issue, this is a vital issue and this is an issue that has grown in recent years. I believe the Australian Senate, if it works in a collaborative and productive way, can develop a range of options and ideas in a bipartisan fashion that we will be able to present to the government for their consideration on this issue.

The scope of this issue is so large and the concerns are so many that, when you look at Leighton Holdings and BHP and start talking to the law enforcement agencies, the Attorney-General’s Department and other relevant parties, we are going to find that it is even bigger, and needs and deserves to be explored. We will need to use the powers of this chamber, and I will be calling on this chamber to make sure that we get the right people and witnesses before the Australian Senate.

Mr Acting Deputy President Edwards, as the deputy chair of this committee, I want to personally thank you for the incredible amount of support you have always given me in these endeavours.

**Recreational Hunting**

*Senator McKENZIE* (Victoria) (19:39): I want to speak briefly for about 10 minutes on an area that I am very concerned about—that is, the demonisation of hunters that is currently going on at a frenzied pace within our society and communities.

Aborigines have hunted across Australia for over 20,000 years and Europeans have brought the grand tradition of hunting from Italy, France and Britain to Australia. Hunting allowed our new settlers to provide food for their communities and their families, and yet we have seen the constant demonisation of hunting and hunters.

What occurred to Glenn McGrath recently on social media has brought this to my attention—he is one of our greatest sporting heroes and he has made a contribution through his foundation as a result of his first wife’s death from breast cancer—and it was absolutely appalling. Headlines such as ‘implicated in hunting scandal’ have been used, and the language, in which *The Sydney Morning Herald* and others have chosen to frame this debate, has been abhorrent.

This brings me to an issue I raised briefly in this place when the young L’Oreal model Axelle had her contract cancelled for simply participating in a legal recreational activity and, essentially, being a hunter. It is abhorrent. These are legal activities, they are celebrated, they are cultural practices and they have historic values. Over one million Australians are registered hunters, and that does not go to the sporting area. There are 46,000 game hunters within my own home state of Victoria.

In the social media campaign against Glenn McGrath, people were saying things like ‘don’t support his charity’; ‘friends, please stop donating’; ‘high-time celebs like Glenn McGrath realise that hunting evokes as much public revulsion as harpooning whales’; and ‘you are just a sick cowardly psychopath’. Lady Elise said, ‘He is an un-good person, a vilesome person’.

We need to start considering how this impacts on real people and their lives. It is a result of social do-gooders, animal rights activists and people who are of an elitist bent who think that how they envisage the world is how it should be. They are going to persecute those who participate in legal pastimes.
The majority of Australians live in cities and do their hunting and gathering in supermarkets. But, in earlier generations, we had a general store and you had to walk around a few to get all of your gear. We were basically self-sufficient. We might have had a small plot of land and we would have used a variety of tools to help us hunt game to get our protein, and we would have gathered our carbohydrates. This is as akin to being a human being as the fight-or-flight response. Hunting has developed over millennia. Our desire to hunt and gather is in our very DNA.

Of the world’s 7.5 billion people, two billion people survive on less than $2 a day. They depend on hunting to provide food and sustenance for their families. Are we going to say that those people are somehow vial and repulsive simply because they need food to survive?

There are incredible conservation benefits from hunting. It brings economic, social and environmental benefits—these are recognised worldwide through international conventions and the like. Hunting delivers $200 million dollars a year to New Zealand, and $200 million is delivered to the African economy as a result of trophy hunting—$200 million a year to the poorest continent on earth. That flows right through not only to the national economy but also down onto the ground and to villages that run conservation projects and manage animals sustainably.

Hunting is a social practice. It has social value. As Senator Muir said today in his first speech, what he likes to do, what he values and what is important to his family, his community, his history and his identity is not valued by those in Brunswick, Richmond or, increasingly, Flemington. The inner urban elites deride Senator Muir’s way of life and the things he likes to participate in and enjoy, and they deride hunters as well. The animal rights protagonists are arrogant in their dismissal of this way of life. They purport to have moral superiority, in a way we would not allow elsewhere. They are elitist in their derision of the lifestyle. They cannot believe that anyone would choose to participate in this practice, and they are discriminatory in the way they behave and attack their fellow human beings.

In the Victorian economy, hunting alone produces $430 million, with 1,500 jobs in direct employment, most of those out in the regions. So hunting and shooting actually provide an incredible economic, environmental and social benefit to our community. It is about time that we belled the cat on those people who think they are morally superior and choose to denigrate or deride people participating in a legal, historic and cultural practice that has been celebrated for centuries and indeed is part of our very DNA as human beings.

Asylum Seekers

**Senator HANSON-YOUNG** (South Australia) (19:46): On 3 October 2014, the former Minister for Immigration and Border Protection announced that an independent inquiry would be held to investigate allegations of abuse in the Australian-run detention centre on Nauru. While the Moss review, as it would be known, would look at the numerous claims of assault, including against women and children, that were emanating from the Nauru detention camp, it would also look into claims that staff members at the centre were acting inappropriately. In announcing the investigation, the former immigration minister said that he had received a report that shows, with a high degree of probability, that there had been a campaign that involved making false claims and, worse, allegedly coaching refugees into self-harm and using children in protests. The Transfield intelligence report which was used to make these claims reads as follows:
DATE: 30 September 2014  
SUBJECT: Save the Children Staff on Nauru  
SOURCING: Incident and Information Reports, Human Services  
EXECUTIVE SUMMARY: 
Information suggests that some Save the Children staff may be engaged in conduct which evidences conflicts of interest with their primary purpose and conditions of employment. Consequently, such behaviour is likely to be in breach of their employment contracts and may also evidence breaches of contract around the collection and onward transmission of information.  
INFORMATION  
In an Intelligence Report titled 'Save the Children Staff Redundancies and Asylum Seeker Awareness of this Process' which was published on 29 August 2014, it was assessed that the release of confidential information, from disaffected Save the Children staff, was certain and that it was certain that Save the Children management were concerned that there are members of staff with confidential information stored on personal IT. It is considered very likely that SCA staff, recently made redundant, have left Nauru with large quantities of data that they have failed to declare to SCA managers. Personal computers were used inside RPC3 to record case notes from interactions with Asylum Seekers; it is thought that SCA managers knew this was common practice for some time but failed to do anything to address it. Subsequent conversations with a SCA manager who works at RPC3 have also revealed that the manager was worried about staff in her group who were displaying an attitude towards work inside and outside of the NRPC that she felt was inappropriate, these concerns centred around a member of SCA staff, AB, in particular. She opined that AB may be influencing members of SCA staff who were previously compliant and diligent SCA caseworks who were now, in her opinion, more vocal in promulgating views that were not commensurate with the work SCA staff are required to do in and out of the NRPC in support of regional processing operations. It is understood that AB has also been subjected to disciplinary action at SCA in recent weeks. Research shows that AB has posted a video taken of a Refugee protest on 26 September 2014, at Anabare Lodge, to his Facebook page on 27 September 2014. This footage shows the Police attending to a protest at the lodge and removing a protest banner from some children who are protesting with adults in attendance. The video has appeared on a number of refugee advocacy websites and Facebook pages. Incident reporting by SCA staff at the NRPC has also been noted to be increasingly emotive in recent weeks. In some cases, this reporting is using language and descriptive imagery that seeks to paint service providers in a bad light. It is considered that this is because any subsequent leak of information from the NRPC can then be supported by Freedom of Information requests for service provider reporting around the topic of the leak using the aforementioned emotively written report which was subsequently requested and released under freedom of information legislation to support whatever agenda those in the media, or refugee advocacy, may wish to promulgate. Two days ago, information report 280917 was written in such a manner by SCA employees, DE and FF, and some of the allegations regarding sexually inappropriate behaviour by security guards contained within this report have been widely reported across Australian media today. DE left Nauru yesterday and the allegations have appeared in the press today. Information has also been received which suggests that SCA staff, in RPC3, facilitated the distribution and collection of a petition against offshore processing. This petition has been widely circulated across RPC3 and further information suggests that it was removed and taken back to Australia by SCA staff in
the last few days for onward transmission to an external entity. Further, information has also been received that SCA staff has also facilitated the provision of several cameras to Asylum Seekers and this is believed to be so that Asylum Seekers can document the current protests. Moreover, it has been noted that each day's protest is dated by an Asylum Seeker who carries a placard with the date on, this suggests that Asylum Seekers are keen to show a chronology of the protests has each day passes in any media they release or are assisted to release.

Social media has also evidenced several examples of SCA staff being mentioned in Twitter releases relating to the current protests on Nauru, as follows;

Daniel Pye, a journalist based in Cambodia, made the following Tweet on 27 September;

Dan @Pye_Daniel @Sharmanifowler

Academics working with the refugees confirmed seven suicide attempts yesterday to me

HelpRefugeesOZ made the following Tweet on 27 September;

HelpRefugeesOZ @HelpRefugeesOZ @senatormilne @HRP_org

Can you please find out what is going on on Nauru Senator, riot police, Save the Children pulled out, please find out.

In relation to the first Tweet, SCA provide teachers (academics) on Nauru and the second Tweet appears to describe the disposition outside RPC3 on the night of 27 September prior to the protests starting at approx. 2100 hours that night. It is considered that the mentioning of SCA in each Tweet is a common denominator in respect of each of these Tweets.

Information Report—28092014—0900 hours, 'Overview of Asylum Seeker and Refugee Intentions and Outlook of Current Protest Activity on Nauru' released on 28 September 2014, raises the possibility of an external element seeking to undermine internal operations at the NRPC by the following modus operandi:

Asylum Seekers (AS) involved in the ongoing protests at the NRPC, will attempt to draw reactions from Service Providers and Departmental staff to enhance media effect. This activity is to be in such a manner to embarrass the Australian Minister for Immigration and the Australian Government. This means AS will attempt to obtain details of DIBP, and Service Provider staff with the intent of publishing accusations and personal details on social media.

AS will continue to insist that the protests are non-violent, and that antisocial behaviour will be as a result of the staff reactions to any given situation, or inability to provide adequate care to AS.

To achieve the above outcomes, the following actions will be conducted by AS;

Service Providers
- Attempt to embarrass the staff with accusations of cultural insensitivity,
- Attempt to force changes in staff posture, by having individuals removed from their posts,
- Bringing children to the front of any situation to slow staff reactions to perceived threats, and
- Accusations of sexual misconduct by staff

DIBP
- Conditions on Nauru,
- Prove DIBP staff inability to articulate Australian Government policy,
- Attempt to draw DIBP staff into a conversation with the intent of having staff "comment" on the Minister or DIBP,
- Attempt to expose weakness in relationship between DIBP and the Nauruan Government, and
- Conduct community based meetings with little intent of resolution to the current situation.
Assessment

It is considered certain that there is a concerted effort on the part of Asylum Seekers and Refugees, with assistance rendered from some refugee advocacy and human rights groups in Australia, to bring adverse attention to ongoing operations in Nauru around the processing of Asylum Seekers and the resettlement of Refugees.

It is certain that there will be further allegations made during the current period regarding the misconduct of staff engaged with the NRPC.

It is probable that there are SCA staff engaged in this effort in a facilitative role on Nauru.

It is considered probable that refugee advocates and some service providers are engaged with Asylum Seekers, and Refugees, to manufacture situations where 'evidence' can be obtained of the unsuitability of Nauru for processing and resettlement to pursue a political and ideological agenda in Australia regarding TPV's and regional resettlement arrangements.

It is probable there is a degree of internal and external coaching, and encouragement, to achieve evacuations to Australia through self-harm actions.

In light of the aforementioned external influence, it is considered probable that there will be 'scripted' step changes, agreed with external elements, in the current situation as it develops. These may be assisted by internal elements within service providers.

This is the end of the report. People's names have been removed to protect the identity of those involved.

So there you have it. The report simply contains a series of vague allegations without any actual evidence of inappropriate action by any staff member in the centre. This report, of course, is the one that the former immigration minister refused to release publicly but was the reason his department sacked 10 Save the Children employees who were working at the time on Nauru. The minister claimed that this was also the reason he initiated the Moss review. Now that we can see the contents of the intelligence report, the real reason he refused to release it has become clearer: there is no evidence supporting the claims of misconduct. It seems, from this intelligence report, that the only crime committed by those employees was to report accusations of abuse and the inappropriate behaviour of security guards, who are employed by the very same company that wrote this intelligence report. This is simply a witch hunt against whistleblowers who are concerned for the welfare of the people in their care. The creation of this report and its politicised use by the minister is designed to intimidate those who dare to speak up.

The government has some serious questions to answer. Why was it appropriate to leak this report to the newspaper The Daily Telegraph? Why did the government pre-empt the outcome of the investigation by sacking 10 employees, with no explanation, while refusing to let them or their bosses see the report? Until tonight Save The Children management and their staff have not been provided with the details of this intelligence report or the reasons for their dismissal. Now that they know, and now that the Australian public knows, the government has some explaining to do. I seek leave to table the report.

Leave granted.
Asylum Seekers  
Climate Change  

Senator RHIANNON (New South Wales) (20:00): Tonight I will share with senators an inspiring and at times unsettling speech by Lili Shapiro. It brings together a young person’s views on Australia’s positions towards refugees and climate change. Lili worked in my office last year as part of her year 10 week of work experience. Lili is a student at Canterbury Girls High School. These are Lili’s words. She has provided references for the factual material she refers to:

No-one—not refugees, not asylum seekers—should have to live in a society where they are constantly at risk. Not now. Not in the future.  
However, for as long as I can remember asylum seekers and refugees in Australia have been treated in the most disgusting, inhumane manner.  
Australia’s mistreatment of asylum seekers and refugees will not be forgotten. It will forever loom over the younger generation as something we should not have tolerated. One day Australians could become climate refugees. Then who will take us, knowing what we have done to others?  
There may be no compassion, just the cold behaviour we currently exhibit to people seeking our protection. We surely cannot expect to be helped when it is our turn if we ourselves have denied it to others.  
There are currently hundreds of thousands of people located on low-lying Pacific islands endangered by sea levels rises that may consume their homes. They will need Australia’s assistance if global warming continues. So clearly it is in Australia’s interest to act on climate change in order to preserve nearby islands and eliminate the mass numbers of climate refugees sure to seek asylum if nothing is done.  
Some people seem to think investing in a sustainable future is not a priority. However, the question of whether to invest in the economy or the environment completely contradicts all logic. Without the environment, there will be no economy. There is absolutely no point building up economic gain for a population that will only suffer from the effects of global warming.  
But it does not have to be that way. Australia does not have to just sit back and let politicians who will not experience the effects of extreme climate change in their lifetime determine what is supposedly in our best interest for the sake of a vote. There are only two sides—self-destruction and survival. Which side are you on?  
There are currently an estimated 42.5 million refugees around the world. If emissions continue at the substantial rate they are now, there could be over a billion climate refugees by 2050.  
Australia treats those coming to its borders in the most inhumane, horrific way. Deteriorating, unhygienic buildings with a lack of medical care for those detained provide a jail-like setting perfect for developing mental health issues. Why are we allowing innocent women and children to be detained just because they had no choice but to flee persecution?  
Do Australians really expect to be treated differently to the mass numbers of asylum seekers it has denied entry to or placed in jail-like conditions? Australia sets the standard—it demonstrates the behaviour it believes acceptable. If treating those unable to live in their own country as criminals when they come to our country when they have done nothing wrong is seen as acceptable, then Australians cannot expect more if they ever need to escape the drastic effects of climate change that will occur if nothing is done to stop it.  
Australia is a vulnerable nation. It experiences frequent drought, bushfires and heatwaves. Eighty per cent of the population lives within 50 kilometres of the coastline. Australians could find themselves
becoming climate refugees, and then it would be entirely our right to claim asylum, just as it is every asylum seekers right to claim asylum here. It is not illegal. It is their right. It is also our right.

Surely, as human beings, we can find the compassion to help people in need. Not just because it would be politically wise, but because we recognise it is cruel to act otherwise.

Lili goes on to say:

You are infringing on my right to be safe by allowing global warming to rampage. You are setting an example to the world that abusing asylum seekers is sufficient humanity. You are changing what is acceptable and my generation will lose their freedoms as a result. You are taking away our rights and it must stop. We must change now.

We have barely seen what climate change can do. Let's not find out. Stopping global warming is not about simply hoping to protect aesthetically pleasing scenery. It is about protecting humanity. It is about ensuring that in fifty years, when the deluded, inhumane politicians of our time lie in the ground, the generation they leave behind does not crumble, does not have their right to safety taken away and does not have to deal with a crisis so easily avoided.

We should help the environment because it will help us.

These are timely and provocative comments from now year 11 Canterbury Girls High School student Lili Shapiro. I thank Lili for her insights and for the work she undertook in my office. I wish her all the best in her studies and her future. Lili's words hang heavy in this parliament.

McCombe, Mr Tim, OAM

Johnston, Mr Ashley

Senator LAMBIE (Tasmania) (20:06): I rise to regretfully inform Australia's Senate that one of our great warriors and family man and veterans advocate, Tim McCombe OAM, died of a heart attack on 31 January 2015. He died at 1 am on Saturday morning at Bowral and District Hospital, New South Wales. Tim had worked tirelessly for veterans welfare since 1981. He was closely involved in the agent orange royal commission and every veterans issues since.

His funeral, which I attended, was held on 14 February 2015 and following is the eulogy, written by Graham Walker, on behalf of the Vietnam Veterans Federation of Australia:

There is sadness in the veteran community for we have lost a champion. Tim McCombe OAM served in 4th Battalion, Royal Australian Regiment in Malaya and Borneo during Indonesian Confrontation then, volunteered to transfer to the 2nd Battalion which was preparing for war service in Vietnam.

In Phuoc Tuy Province Tim stepped on a mine, was blown into the air, landing some metres away. He was seriously wounded. He lost one leg above the knee. The other was saved but needed a brace for support. Tim spent many months in hospital and a year and a half in rehabilitation. But as is so often the case, the trauma of the event left psychological scars as well. The reduced mobility, the pain and the psychological damage, later led Tim into some years of depression and despair. He dropped into a black hole, he later related, and wondered whether he would ever emerge. But emerge he did.

In 1981, Tim joined the band of Vietnam veterans led by Phil Thompson. They were counselling sick and troubled veterans, campaigning for the establishment of counselling centres and seeking recognition of the harmfulness of exposure to Agent Orange. The headquarters of the Vietnam Veterans Association, as the group was called, was a storeroom at the back of an old Granville RSL hall. There, Mick Scrace, Norm Robinson, Terry Loftus, Ross Mangano, Lachlan Irvine and many others were renovating the storeroom into cramped offices with donated partitioning material. They were a resourceful lot, with a cement truck of unknown origin turning up to fill the formwork for a set of back
steps and an army truck, perhaps mistaking the Granville headquarters for its official destination, disgorging used furniture.

These cramped offices and those who worked in them became a lifeline for so many troubled Vietnam veterans. Tim quickly became involved in everything. He was later to explain that having been through those dark years he became determined to help others suffering war trauma.

In 1982, the Vietnam Veterans Counselling Service opened its first office in Adelaide. In recognition of the influence this group had in its establishment, Phil Thompson was included in the staff selection panel and gave a speech at the opening. Tim became a member of the National Advisory Committee overseeing its operations.

In 1983, the Agent Orange Royal Commission was established and Tim spent many hours assisting the lawyers prepare the case at the Association's Royal Commission headquarters in Newtown, Sydney. After the Royal Commission reported in 1985 it was Tim who discovered that large tracts of the report were copied verbatim from the chemical company's submissions. More importantly, Tim was unhappy that certain favourable findings of the Royal Commission had not encouraged the acceptance of chemical related compensation claims. So Tim began sponsoring appeals. By the early 90s Tim had sponsored a score of successful Agent Orange cases at the Veterans Review Board and the Administrative Appeals Tribunal. This was a remarkable achievement that marked Tim as a major force in the veteran community.

Tim's success with the Agent Orange cases showed determination and patience as did his campaign to have prostate cancer linked with smoking. Some fifteen years ago, Tim appealed against a decision not to recognise the link. Dissatisfied with the initial appeal decision, Tim took the matter to two Federal Court hearing and a hearing of the NSW Court of Appeal. It seemed to go on endlessly. Tim finally had success in 2013. However, that success was recently overturned and Tim was again commissioning evidence to continue the fight. If Tim believed in the justice of the cause, he would not let go. He was a bulldog.

And what of Tim's integrity? In 2005 Tim was offered the trip of a lifetime. He was invited to join a government sponsored party to the upcoming Anzac Day commemoration at Gallipoli. It was, Tim wrote in reply to the invitation, a trip he would dearly love to make. But this was a time when the Vietnam Veterans Federation was deeply dissatisfied with the government's response to a long list of important veterans' issues. Tim concluded his reply saying, '...for the President of our Federation to accept personal favours from a government guilty of treating our war veterans... in such ways, would be improper.' He, along with Blue Ryan, then the National President of the TPI Federation, declined the invitation.

And it was not only such weighty matters that interested Tim. He has assisted thousands of veterans and Australian Defence Force members to lodge compensation claims and advocated hundreds of their cases before the Veterans Review Board and the Administrative Appeals Tribunal. Helping worthy veterans by winning their cases gave Tim great satisfaction. Indeed, Tim was preparing several Veterans Review Board appeals when he died. And even while he was preparing these appeals, Tim was suffering continual pain from shrapnel emerging from his leg.

Of course I could go on for some time listing the campaigns Tim fought on behalf of sick and troubled veterans and their families. But it is, I think, suffice to say that with compassion, dogged determination and integrity, for over thirty years, Tim fought for veterans' interests. He was New South Wales Branch President and National President of the Vietnam Veterans Federation for twenty years; a measure of the respect in which he was held by the membership.

As the attendance today shows, he was also held in high regard by the wider veteran community. There is sadness in the veteran community for we have lost a champion.
That ends the eulogy written by Graham Walker on behalf of the Vietnam Veterans Federation of Australia.

Tim McCombe is survived by his wife, Tran, his daughter, Stephanie, and son, Craig. On behalf of all Tasmanians I pass on my deepest condolences to them. The McCombes have lost a loving husband and father, the veterans community has lost a bloody champion and Australia has lost a loving son. Lest we forget.

I would also like to express my deepest condolences and sympathy to Amanda Johnson of Canberra, whose son, Ashley Johnson, was killed recently. Ashley was a former member of the Australian Army and was reportedly killed fighting with the Kurds against Islamic State. All reports say he died a hero, fighting Islamic State terrorists, who are our enemies. And I am alarmed by media reports that say:

Under the Foreign Incursions Act, Mr Johnston would have faced 20 years’ jail if he had returned.

I do not think we should turn Australians who fight against our enemy into criminals who could face 20 years in jail. The media report goes on to say that the Kurdish group YPG, which was fighting the Islamic State butchers and who Ashley was fighting alongside, had:

… received shipments of weapons carried to the region on board RAAF transport planes but under the law Australians who fight for the group are considered terrorists just like Australians who fight for IS.

That means that Australia as a nation can supply weapons to an ally or an organisation that is fighting against our enemy and not be doing anything illegal but if Australian citizens take up those arms, supplied by the Australian government, against a common enemy, then those Australian citizens are guilty of a crime. It does not make any sense. We should be pinning medals on anyone who is brave enough to fight Islamic State savages. We should not be criminalising them. I would like to express my deepest condolences and sympathies to Ashley’s mother, Amanda Johnson. Ashley was a hero who died fighting a group of people who seek to destroy us and the Australian way of life. May he rest in peace.

Earlier this week I organised a meeting with the Deputy Leader of the Liberal Party and foreign minister, Julie Bishop. I took to that meeting the Mayor of Devonport and Chairman of the Australian Masters Games Committee, Cradle Coast Authority, Mr Steve Martin. I am grateful that the foreign minister agreed to meet with Mayor Martin, because it appears that his clear-speaking and passionate advocacy has meant that the Australian Masters Games will be secured for the north and north-west of Tasmania for 2017. Up until the meeting with Minister Bishop the state and federal Liberals have been fighting over government funding of the games. The fighting between the two of them had endangered the holding of the games in the north and north-west of Tasmania in 2017.

Liberal members like Brett Whiteley, the member for Braddon, have been caught sitting on their hands and doing nothing to try to secure a commitment of $750,000 of federal funding. Once Mr Whiteley caught wind of the meeting he promptly invited himself along and then claimed credit for a commitment of $750,000 of federal funding, which was holding up similar commitments from the state and local governments. Mr Whiteley was so embarrassed about his poor performance that he even tried to stop Mayor Martin from coming to Canberra and having a meeting with the foreign minister so that we could secure that funding. He kept making promises that Mayor Martin would receive a letter from the federal government confirming the investment of $750,000 and that there was no need for Mayor Martin to attend the meeting I had organised. Of course, Mr Whiteley's promised letter confirming federal
funding was never received by Mayor Martin, and it took the face-to-face meeting with Minister Bishop on Tuesday for him to receive verbal support for the $750,000 federal government funding.

On Wednesday 4 March Mayor Martin wrote very graciously to the deputy Liberal leader and said:

Dear Deputy Prime Minister Bishop,

Thank you for taking the time yesterday, along with your colleagues and Senator Lambie, to discuss the current situation surrounding the availability of Federal funding for securing of the 2017 Australian Masters Games (Games) in partnership with the Confederation of Australian Sport, Tasmanian State Government and the Cradle Coast Authority - representing the nine NW Coast of Tasmania Councils.

As discussed and as advised - Minister Robb will be providing a letter to the Tasmanian State Government advising that upon their application for $750,000 to be made available and allocated to the Games, that such would be expeditiously approved by Minister Robb.

It is understood that Minister Robb is overseas and expected to return this Friday 6th March.

This clarification and confirmation of the allocation of funds, now enables us to further the effort including strengthening the opportunity of Chinese and other international athletes attending the 2017 Games in Tasmania.

Thank you again.

Steve Martin
Chairman, Australian Masters Games Committee, Cradle Coast Authority

I commend Mayor Martin for his energy and advocacy for the 2017 Masters Games, which I believe was secured during our meeting with Minister Bishop. If it is lost to the mainland, to a city like Newcastle in New South Wales—which, I am informed, is pushing like hell to steal the games from Tasmania—it will be because of the lazy, casual 'She'll be right' attitude of the Liberal members of Tasmania, including the Liberal member for Braddon, Mr Whiteley, and Andrew Nikolic, the member for Bass. The 2017 Masters Games will bring more than $8 million and hundreds of extra jobs into the economy of the north and north-west of Tasmania, and by God, I can assure you we need it.

I have been closely monitoring the feedback from Tasmanians, Australian Defence Force members, their families, and veterans regarding the Abbott government's offer to increases their pay offer by 0.5 per cent. I will decide on my final position after I consult with the people of Tasmania and Defence families next week. However, tonight I will share some of the feedback I have received to date on the Abbot 0.5 per cent pay offer. One email reminds me that I should not forget that the war allowance was reduced from $200 per day to $150 per day. It reads:

This War Zone' allowance was held at $200 per day for over 10 years — suffice to say, it never increased during that period, no indexation — no adjustment!

Our troops have been over there fighting for 12 years, and we have not given them a raise as danger money. It is a case of, 'We thank you for your service and we are ripping another 50 bucks off you a day.' This is the way our parliament treats our soldiers, our men and women, our veterans. The email continues:

Then, as part of the sneaky ADF Pay Rise, this one deduction was snuck through and no one has noticed it!
I have mates with 2 Commando Regiment currently in Iraq, who are more than aware of this additional pay cut... which was a real cut of -25% - i.e. $50 dollars per days or $350 per week when deployed to a war zone!!!

We are ripping $350 a week off these men and women who are prepared to have a bullet in their head for their country. And the Liberal-Nationals party can sit there with their heads held high and be proud of that. Quite frankly, I say this: shame on you; absolute shame on you. It goes on:

Then on top of that, the rents of both Barracked and Marriage quarters in Australia were increased by 4% during November/December 2014.

When you add these 3 items together, our ADF members' (both in Australia and Deployed) had real wage cuts... well beyond the pithy pay deal of 1.5%.

How low can this Abbott government go? They take 25 per cent of the danger money from people in the Middle East who at every second are risking their lives for us and for our country. I would like to know how many senators would risk their lives for less than about $60 or $70 a day. Politicians get more travel allowance than those boys do in Afghanistan, Iraq and the Middle East right now for putting their lives on the line and coming back to their country in a box.

There are other injustices regarding our troops deployed in Iraq that this Senate must know about. This relates to a systematic flaw in the military injury compensation process that covers our diggers. Put simply: if you are a digger who has been in our military for 20 years, you are covered by three compensation acts, and if you are wounded or hurt while serving in Iraq you could receive up to three times less in compensation than a digger who has been in the military for five years. I have been made aware of a case where a veteran of more than 20 years service in East Timor, Iraq and Afghanistan, who was diagnosed by medical specialists with multiple disabilities and injuries adding up to more than 80 per cent or 80 points and who should have received more than $400,000 in compensation, had his compensation payment downgraded to about $40,000 through a bureaucratic process called offsetting. Actually, it was just downgraded because a public servant said so; let's just put it how it is.

Put simply, if this veteran had only served for five years and been covered under one act he would have received all of that money. Yet the Liberal and National parties have known about this—this is the offsetting process that Howard brought in. The veterans affairs minister knows about this, but he is so busy parading himself around, when it comes to the Anzac Centenary, that he has absolutely forgotten he is supposed to be the Minister for Veterans' Affairs. I would simply say this: it is quite obvious to me and to many of the veterans out there that this man, this veterans affairs minister, Senator Ronaldson, cannot do two jobs at once. I am asking the Prime Minister to have a good look at this situation because right now I have veterans out there suffering. They are being ripped off—absolutely ripped off. Not only that; in the long run it is going to cost the Commonwealth a fortune because by doing this the Department of Veterans' Affairs, by its own hands, is causing more psychological damage to these veterans of ours.

I can see the Liberal senators over there will not even hold their heads up, and I know why. You take a pay cut—

Senator Payne: You know nothing!

Senator Payne: You know nothing!
Senator LAMBIE: You ripped them off. You ripped off our veterans. You should be ashamed of yourself.

Senator Payne: You know nothing!

The ACTING DEPUTY PRESIDENT: Order! On my right. Senator Lambie, direct your comments to the chair.

Senator LAMBIE: This is a woman over here—

The ACTING DEPUTY PRESIDENT: Order!

Senator LAMBIE: who would not stand there and take a round for her country!

The ACTING DEPUTY PRESIDENT: Order! Senator Lambie, you will resume your seat now. Order! On my right. Interjections are disorderly. No more interjections, please. Senator Lambie, when I call for order you must address the chair. Now direct your comments through the chair as directed, please.

Senator LAMBIE: It is quite obvious to me that the Liberals have no idea what is going on in veterans affairs, just as I have said. They have no idea what is going on whatsoever. As a matter of fact, I doubt very much if they could stand up and explain to me what the offsetting process is—but if one of them would like to have a go at that, feel free to stand up and interject.

The process of offsetting of our veterans compensation claims must be stopped. Our veterans and diggers must receive fair pay compensation. The Abbott government and the National party have to stop ripping the guts out of them.

Australian Justice System

Senator WRIGHT (South Australia) (20:26): I rise to speak tonight about the Australian Greens vision for a fairer, smarter justice system for all Australians and the urgent steps must be taken now by this government to get us there. A smart, fair justice system is critical to social cohesion, community safety and the responsible use of taxpayers’ dollars. Understanding the limits of government power, knowing how you should be able to expect to be treated at work and having access to professional help to resolve legal disputes or family breakdowns—these are all ingredients of a peaceful, productive, vibrant Australia.

By many measures Australia does have a justice system to be proud of. We have an independent judiciary. We have professional law enforcement agencies and a robust and generous legal profession. But sadly, for more and more Australians, the idea of justice—of understanding the law, having your case heard, getting a fair and final decision or calmly and carefully resolving a dispute—remains out of reach. Cruel and counterproductive funding cuts, totalling well over $40 million since the election of this federal Abbott government, have seen community legal centres and legal assistance services forced to turn more and more people in need away. Courts and tribunals have felt the squeeze of efficiency strategies, mandatory sentencing policies and other legislative changes designed to remove lawyers and limit judicial discretion. The result is at best a confusing system that fails to take into account individual experiences and leaves people without the help they need to understand what the law is and how the system works; at worst, it is a system that leads to unfair outcomes, particularly for those not privileged enough to obtain private legal advice—leaving young people institutionalised, families torn apart and children left at risk.
It is important to remember that the people being failed by the Abbott government's policies and funding decisions are not just those who are suspected of or charged with wrongdoing; they include the most vulnerable and innocent among us such as children experiencing poverty or neglect and women experiencing domestic or sexual violence. They also include the most ordinary among us—families who might be seeking to clarify the guardianship arrangements for elderly parents, divorcing couples seeking to finalise property settlements or neighbourhoods seeking to protect their local environment from harm or degradation.

This slide towards an unequal and inaccessible system of justice is not just something the Australian Greens have noticed. It has long been identified by the legal profession and the community service sector, and has also been substantiated more recently by evidence presented by PricewaterhouseCoopers and, most recently, by the Productivity Commission's 2014 detailed inquiry into access to justice.

In its report, released in December 2014 by the government under the cover of a big news day, the Productivity Commission made it clear that cuts to legal assistance are not just unfair but also actually a false economy, because the costs of unresolved legal problems are then shifted to other areas of government spending, like health care, housing and child protection.

In its extensive report, the Productivity Commission emphasised what the legal community has long known: the funding structure of the Australian legal assistance sector, commonly known as legal aid and community legal services, is complex and in urgent need of reform. Further, the amount of funding for the legal assistance sector is woefully inadequate, leaving tens of thousands of Australians now unable to access the legal advice they need to resolve their disputes or to assert or defend their legal rights.

The Productivity Commission recommended that government funding for legal assistance services should be immediately increased by around $200 million to better align the means test, maintain existing front-line services and broaden the scope of legal assistance services—this is the Productivity Commission. The Abbott government has ignored this urgent plea and has failed to respond to this or any of the other recommendations in the Productivity Commission's report.

The legal assistance community has told me that, unless emergency funding is provided and the savage funding cuts announced in the last budget are reversed, critical legal services will soon be taken away from the Australians who need them most. For example, we will see a further loss of key services for Aboriginal and Torres Strait Islander people, including the axing of the Custody Notification Service advice line, which has prevented Aboriginal deaths in policy custody in New South Wales and the ACT since it began.

We will see the loss of vital legal staff from women's legal centres across the country. These are centres that provide critical legal services to women, including women fleeing domestic violence. We will see the axing of the Consumer Action Law Centre's telephone advice service. We will see the closing down of specialist family law centres in regional centres, affecting child protection duty services and youth justice services. And we will see the loss of critical staff in remote and regional specialist family violence services, including services for Aboriginal and Torres Strait Islander people.
The short-sightedness of these cuts is heartbreaking, especially at a time when the nation is ready and willing to look for practical solutions to ending the epidemic of family violence in Australia—which everybody has been talking about—and also finally address the shameful overrepresentation of Aboriginal and Torres Strait Islander people in our criminal justice system.

These cuts are also costly for the taxpayer. As the Productivity Commission's report shows, just like a sick person who is denied ready access to health care, an unresolved and critical legal need can infect and devastate families and communities, and lead to expensive, complex problems for the taxpayer to ultimately pay to resolve down the line.

The Productivity Commission also recommends reversing the Abbott government's attempts to gag community legal centres and legal assistance providers from engaging in law reform or policy related activities. This recommendation reflects what I have been pointing out for months: the Abbott government's backward-looking funding cuts have silenced the voices of those who are best placed to highlight where improvements need to be made in the law and to help make the changes that will, ultimately, save time, money and heartache later down the line.

The Australian Greens believe that access to justice is the right of all Australians. It is also an essential precondition for freedom. A free person is someone who has the capacity—that is, someone who has access to relevant resources, understands their legal rights and can pursue their own goals. It is regretful therefore to observe that the Commonwealth Attorney-General—with his fastidious focus on what he calls 'freedoms'—has presided over policies that deny those most at risk of having their freedoms undermined or restricted from understanding or exercising their legal rights.

While the outlook for Australia's justice system may seem bleak when viewed against the backdrop of neglect and contempt by the Abbott government, as a lawyer myself, I remain optimistic that we can achieve a smarter, fairer justice system that is accessible to anyone who has a serious legal problem or who requires the protection of the law. The starting point is for the government to take immediate steps to respond to the Productivity Commission's report and to provide the $200 million additional emergency funding it prescribes. The next critical step is for the government to reverse the funding cuts made to front-line legal service providers during its 2013-2014 budget.

The longer term vision for the justice system that the Australian Greens think Australia deserves would make sure that all of us understand our own legal rights and those of our fellow Australians. This will create more autonomy, more freedom and more cohesion as we understand the rights of each other. We can also ensure that everyone can access quality legal advice early and for as long as they need it, regardless of the size of their wallet. This long-term vision would enshrine and protect procedural fairness, natural justice and judicial independence—all of those elements which are essential for the rule of law. It would clearly define the limits of government power and make sure that important government decisions are subject to meaningful merits review. It would empower our courts and tribunals to resolve disputes early, quickly and fairly. It would put the rights and wellbeing of children at the centre of all relevant legal processes. It would demand an end to the egregious rate of Aboriginal and Torres Strait Islander incarceration by including justice targets in the Close the Gap program. It would incorporate justice reinvestment and restorative justice principles.
that have been proven to reduce crime and turn lives around. And it would celebrate those lawyers and human rights advocates who strive for justice for their clients and for the broader community, often with very little financial reward or public recognition. They are true heroes.

These are the goals I will be reflecting upon when I participate in the celebrations planned this year for the 800th anniversary of the Magna Carta. It is that seminal legal document that has encapsulated the notion of the rule of law and has operated as a shield against tyranny, abuse of power and oppression since 1215—and when Australia is examined by the UN Human Rights Council later this year. These are the goals that will be jeopardised unless the Abbott government heeds the recommendations of the Productivity Commission and restores critical funding to legal services now.

**Senate adjourned at 20:38**

**DOCUMENTS**

**Tabling**

The following documents were tabled by the Clerk pursuant to statute:

*Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.*

- **Customs Act 1901**—Customs Amendment (Anti-Dumping Improvements) Regulation 2015—Select Legislative Instrument 2015 No. 15 [F2015L00244].
- **National Health Act 1953**—National Health (Weighted average disclosed price – April 2015 reduction day) Amendment Determination 2015 (No. 1)—PB 9 of 2015 [F2015L00243].
- **Public Governance, Performance and Accountability Act 2013**—Commonwealth has acquired shares in Moorebank Intermodal Company Limited—11 February 2015.
- **Deregistration of a Commonwealth owned corporate entity**—Low Carbon Australia Limited—24 February 2015.

**Order for the Production of Documents**

The following document was tabled by the Clerk pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 July to 31 December 2014—Statement of compliance—Immigration and Border Protection portfolio.