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**SITTING DAYS—2016**

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
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<td>February</td>
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<td>March</td>
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<td>May</td>
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<td>November</td>
<td>7, 8, 9, 10, 21, 22, 23, 24, 28, 29, 30</td>
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<td>December</td>
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FORTY-FOURTH PARLIAMENT
FIRST SESSION—EIGHTH PERIOD

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

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

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

Printed by authority of the Senate
## Members of the Senate

<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz, Hon. Eric</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>LP</td>
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<tr>
<td>Back, Christopher John</td>
<td>WA</td>
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<td>LP</td>
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<tr>
<td>Bernardi, Cory</td>
<td>SA</td>
<td>30.6.2020</td>
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<td>Bilyk, Catryna Louise</td>
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<tr>
<td>Birmingham, Hon. Simon John</td>
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<tr>
<td>Brandis, Hon. George Henry, QC</td>
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<tr>
<td>Brown, Carol Louise</td>
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<tr>
<td>Bullock, Joseph Warrington</td>
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<tr>
<td>Bushby, David Christopher</td>
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<tr>
<td>Cameron, Hon. Douglas Niven</td>
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<td>Canavan, Matthew James</td>
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<td>30.6.2020</td>
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<tr>
<td>Carr, Hon. Kim John</td>
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<tr>
<td>Cash, Hon. Michaelia Clare</td>
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<tr>
<td>Collins, Hon. Jacinta Mary Ann</td>
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<td>Conroy, Hon. Stephen Michael</td>
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<td>Cormann, Hon. Mathias Hubert Paul</td>
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<td>Dastyari, Sam</td>
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<td>Day, Robert John</td>
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<td>Fierravanti-Wells, Hon. Concetta Anna</td>
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<tr>
<td>Gallacher, Alexander McEachian</td>
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<tr>
<td>Gallagher, Katherine Ruth(3)</td>
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<td>Heffernan, Hon. William Daniel</td>
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<td>Leyonhjelm, David Ean</td>
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<td>Lines, Susan</td>
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<td>Lindgren, Joanna Maria(4)</td>
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<td>Ludlam, Scott</td>
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<td>Macdonald, Hon. Ian Douglas</td>
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<td>Marshall, Gavin Mark</td>
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<td>McAllister, Jennifer(2)</td>
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<td>McEwen, Anne</td>
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<td>McKenzie, Bridget</td>
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<td>McKim, Nicholas James(5)</td>
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<td>McLucas, Hon. Jan Elizabeth</td>
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<td>Moore, Claire Mary</td>
<td>QLD</td>
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<td>Muir, Ricky Lee</td>
<td>VIC</td>
<td>30.6.2020</td>
<td>AMEP</td>
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<td>Nash, Hon. Fiona Joy</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>NATS</td>
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Senator | State or Territory | Term expires | Party
--- | --- | --- | ---
O’Neill, Deborah Mary | NSW | 30.6.2020 | ALP
O’Sullivan, Barry James | QLD | 30.6.2020 | NATS
Paterson, James | VIC | 30.6.2017 | LP
Parry, Stephen Shane | TAS | 30.6.2017 | LP
Payne, Hon. Marie Ann | NSW | 30.6.2020 | LP
Peris, Nova Maree, OAM | NT | 30.6.2017 | ALP
Polley, Helen Beatrice | TAS | 30.6.2017 | ALP
Reynolds, Linda Karen, CSC | WA | 30.6.2020 | LP
Rhiannon, Lee | NSW | 30.6.2017 | AG
Rice, Janet Elizabeth | VIC | 30.6.2020 | AG
Ruston, Anne Sowerby | SA | 30.6.2017 | LP
Ryan, Hon. Scott Michael | VIC | 30.6.2020 | LP
Scullion, Hon. Nigel Gregory | NT | 30.6.2017 | CLP
Seselja, Zdenko Matthew | ACT | 30.6.2017 | LP
Siewert, Rachel Mary | WA | 30.6.2017 | AG
Simms, Robert Andrew | SA | 30.6.2017 | AG
Singh, Hon. Lisa Maria | TAS | 30.6.2017 | ALP
Sinodinos, Hon. Arthur | NSW | 30.6.2020 | LP
Smith, Dean Anthony | WA | 30.6.2017 | LP
Sterle, Glenn | WA | 30.6.2017 | ALP
Urquhart, Anne Elizabeth | TAS | 30.6.2017 | ALP
Wang, Zhenya | WA | 30.6.2020 | PUP
Waters, Larissa Joy | QLD | 30.6.2017 | AG
Whish-Wilson, Peter Stuart | TAS | 30.6.2020 | AG
Williams, John Reginald | NSW | 30.6.2020 | NATS
Wong, Hon. Penelope Ying Yen | SA | 30.6.2020 | ALP
Xenophon, Nicholas | SA | 30.6.2020 | IND

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

<table>
<thead>
<tr>
<th>Territory</th>
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<th>Party</th>
<th>Senator</th>
<th>Party</th>
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<tr>
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<td>Gallagher, K.</td>
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<td>Peris, N.M.</td>
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<tr>
<td>Northern Territory</td>
<td>Scullion, N. G.</td>
<td>CLP</td>
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</table>

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

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

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

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

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

(6) Chosen by the Parliament of South Australia to fill a casual vacancy (vice P Wright), pursuant to section 15 of the Constitution.

(7) Chosen by the Parliament of Victoria to fill a casual vacancy (vice M Ronaldson), pursuant to section 15 of the Constitution.
PARTY ABBREVIATIONS
AG—Australian Greens; ALP—Australian Labor Party;
AMEP—Australian Motoring Enthusiast Party; CLP—Country Liberal Party;
FFP—Family First Party; IND—Independent, LDP—Liberal Democratic Party;
LNP—Liberal National Party; LP—Liberal Party of Australia;
NATS—The Nationals; PUP—Palmer United Party

Heads of Parliamentary Departments
Clerk of the Senate—R Laing
Clerk of the House of Representatives—D Elder
Secretary, Department of Parliamentary Services—R Stefanic
Parliamentary Budget Officer—P Bowen
**TURNBULL MINISTRY**

<table>
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<tr>
<th>Title</th>
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<tbody>
<tr>
<td><strong>Prime Minister</strong></td>
<td>The Hon Malcolm Turnbull MP</td>
</tr>
<tr>
<td><strong>Minister for Indigenous Affairs</strong></td>
<td>Senator the Hon Nigel Scullion</td>
</tr>
<tr>
<td><strong>Minister for Women</strong></td>
<td>Senator the Hon Michaelia Cash</td>
</tr>
<tr>
<td><strong>Cabinet Secretary</strong></td>
<td>Senator the Hon Arthur Sinodinos AO</td>
</tr>
<tr>
<td><strong>Minister Assisting the Prime Minister for the Public</strong></td>
<td>Senator the Hon Michaelia Cash</td>
</tr>
<tr>
<td><strong>Service</strong></td>
<td>The Hon Michael Keenan MP</td>
</tr>
<tr>
<td><strong>Minister Assisting the Prime Minister for Counter</strong></td>
<td>The Hon James McGrath</td>
</tr>
<tr>
<td><strong>Terrorism</strong></td>
<td>The Hon Angus Taylor MP</td>
</tr>
<tr>
<td><strong>Assistant Minister to the Prime Minister</strong></td>
<td>The Hon Richard Colbeck</td>
</tr>
<tr>
<td><strong>Assistant Minister for Cities and Digital Transformation</strong></td>
<td>The Hon Richard Colbeck</td>
</tr>
<tr>
<td><strong>Assistant Cabinet Secretary</strong></td>
<td>The Hon Richard Colbeck</td>
</tr>
<tr>
<td><strong>Deputy Prime Minister and Minister for Agriculture and</strong></td>
<td>The Hon Barnaby Joyce MP</td>
</tr>
<tr>
<td><strong>Water Resources</strong></td>
<td>The Hon Anne Ruston</td>
</tr>
<tr>
<td><strong>Assistant Minister for Agriculture and Water Resources</strong></td>
<td>The Hon Keith Pitt MP</td>
</tr>
<tr>
<td><strong>Assistant Minister to the Deputy Prime Minister</strong></td>
<td>The Hon Michael Keenan MP</td>
</tr>
<tr>
<td><strong>Minister for Foreign Affairs</strong></td>
<td>The Hon Julie Bishop MP</td>
</tr>
<tr>
<td><strong>Minister for Trade and Investment</strong></td>
<td>The Hon Steve Ciobo MP</td>
</tr>
<tr>
<td><strong>Minister for International Development and the Pacific</strong></td>
<td>Senator the Hon Concetta Fierravanti-Wells</td>
</tr>
<tr>
<td><strong>Minister for Tourism and International Education</strong></td>
<td>Senator the Hon Richard Colbeck</td>
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<tr>
<td><strong>Minister Assisting the Minister for Trade and Investment</strong></td>
<td>Senator the Hon Richard Colbeck</td>
</tr>
<tr>
<td><strong>Attorney-General</strong></td>
<td>The Hon George Brandis QC</td>
</tr>
<tr>
<td><strong>(Vice-President of the Executive Council)</strong></td>
<td>The Hon Michael Keenan MP</td>
</tr>
<tr>
<td><strong>(Leader of the Government in the Senate)</strong></td>
<td>The Hon Michael Keenan MP</td>
</tr>
<tr>
<td><strong>Minister for Justice</strong></td>
<td>The Hon Michael Keenan MP</td>
</tr>
<tr>
<td><strong>Treasurer</strong></td>
<td>The Hon Scott Morrison MP</td>
</tr>
<tr>
<td><strong>Minister for Small Business</strong></td>
<td>The Hon Kelly O’Dwyer MP</td>
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<tr>
<td><strong>Assistant Treasurer</strong></td>
<td>The Hon Kelly O’Dwyer MP</td>
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<tr>
<td><strong>Assistant Minister to the Treasurer</strong></td>
<td>The Hon Alex Hawke MP</td>
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<tr>
<td><strong>Minister for Finance</strong></td>
<td>The Hon Mathias Cormann</td>
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<tr>
<td><strong>(Deputy Leader of Government in the Senate)</strong></td>
<td>The Hon Mathias Cormann</td>
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<tr>
<td><strong>Special Minister of State</strong></td>
<td>The Hon Dr Peter Hendy MP</td>
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<tr>
<td><strong>Assistant Minister for Finance</strong></td>
<td>The Hon Dr Peter Hendy MP</td>
</tr>
<tr>
<td><strong>Minister for Regional Development</strong></td>
<td>The Hon Fiona Nash</td>
</tr>
<tr>
<td><strong>Minister for Infrastructure and Transport</strong></td>
<td>The Hon Darren Chester MP</td>
</tr>
<tr>
<td><strong>(Deputy Leader of the House)</strong></td>
<td>The Hon Paul Fletcher MP</td>
</tr>
<tr>
<td><strong>Minister for Major Projects, Territories and Local</strong></td>
<td>The Hon Paul Fletcher MP</td>
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<tr>
<td><strong>Government</strong></td>
<td>The Hon Paul Fletcher MP</td>
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<tr>
<td><strong>Minister for Industry, Innovation and Science</strong></td>
<td>The Hon Christopher Pyne MP</td>
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<tr>
<td><strong>(Leader of the House)</strong></td>
<td>The Hon Christopher Pyne MP</td>
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<tr>
<td><strong>Minister for Resources, Energy and Northern Australia</strong></td>
<td>The Hon Josh Frydenberg MP</td>
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<tr>
<td><strong>Minister for Northern Australia</strong></td>
<td>Senator the Hon Matt Canavan</td>
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<tr>
<td><strong>Assistant Minister for Science</strong></td>
<td>The Hon Karen Andrews MP</td>
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<tr>
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<td>The Hon Wyatt Roy MP</td>
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<tr>
<td><strong>Minister for Immigration and Border Protection</strong></td>
<td>The Hon Peter Dutton MP</td>
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<tr>
<td><strong>Minister for the Environment</strong></td>
<td>The Hon Greg Hunt MP</td>
</tr>
<tr>
<td><strong>Minister for Health</strong></td>
<td>The Hon Sussan Ley MP</td>
</tr>
<tr>
<td><strong>Minister for Aged Care</strong></td>
<td>The Hon Sussan Ley MP</td>
</tr>
<tr>
<td>Title</td>
<td>Minister</td>
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<tr>
<td><strong>Minister for Sport</strong></td>
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<td><strong>Minister for Rural Health</strong></td>
<td>Senator the Hon Fiona Nash</td>
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<tr>
<td><strong>Assistant Minister for Health and Aged Care</strong></td>
<td>The Hon Ken Wyatt AM MP</td>
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<tr>
<td><strong>Minister for Defence</strong></td>
<td>Senator the Hon Marise Payne</td>
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<tr>
<td><strong>Minister for Veterans’ Affairs</strong></td>
<td>The Hon Dan Tehan MP</td>
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<tr>
<td><strong>Minister Assisting the Prime Minister for the Centenary of ANZAC</strong></td>
<td>The Hon Dan Tehan MP</td>
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<tr>
<td><strong>Minister for Defence Materiel</strong></td>
<td>The Hon Dan Tehan MP</td>
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<tr>
<td><strong>Assistant Minister for Defence</strong></td>
<td>The Hon Michael McCormack MP</td>
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<tr>
<td><strong>Minister for Communications</strong></td>
<td>Senator the Hon Mitch Fifield</td>
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<tr>
<td><strong>Minister for the Arts</strong></td>
<td>Senator the Hon Mitch Fifield</td>
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<tr>
<td>(Manager of Government Business in the Senate)</td>
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<td><strong>Minister for Regional Communications</strong></td>
<td>Senator the Hon Fiona Nash</td>
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<td><strong>Minister for Employment</strong></td>
<td>Senator the Hon Michaelia Cash</td>
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<tr>
<td><strong>Minister for Social Services</strong></td>
<td>The Hon Christian Porter MP</td>
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<td><strong>Minister for Human Services</strong></td>
<td>The Hon Alan Tudge MP</td>
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<td>The Hon Jane Prentice MP</td>
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<td><strong>Minister for Education and Training</strong></td>
<td>Senator the Hon Simon Birmingham</td>
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<tr>
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<td>Senator the Hon Scott Ryan</td>
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<tr>
<td><strong>Minister for Tourism and International Education</strong></td>
<td>Senator the Hon Richard Colbeck</td>
</tr>
</tbody>
</table>

Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. However, there is a Department of Human Services in the Social Services portfolio and a Department of Veterans’ Affairs in the Defence portfolio. The title of a department does not necessarily reflect the title of a minister in all cases. Assistant Ministers in italics are designated as Parliamentary Secretaries under the Ministers of State Act 1952.
### SHADOW MINISTRY

<table>
<thead>
<tr>
<th>SHADOW MINISTRY</th>
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<tbody>
<tr>
<td><strong>Leader of the Opposition</strong></td>
<td>Hon. Bill Shorten MP</td>
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<td><strong>Shadow Minister Assisting the Leader for Science</strong></td>
<td>Senator the Hon. Kim Carr</td>
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<tr>
<td><strong>Shadow Minister Assisting the Leader on State and Territory Relations</strong></td>
<td>Senator Katy Gallagher*</td>
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<td>Shadow Minister for Women</td>
<td>Senator Claire Moore</td>
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<tr>
<td>Manager of Opposition Business (Senate)</td>
<td>Senator the Hon. Jacinta Collins</td>
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<td>Shadow Parliamentary Secretary Assisting with Digital Innovation and Startups</td>
<td>Terri Butler MP</td>
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<td>Shadow Parliamentary Secretary to the Leader of the Opposition</td>
<td>Senator Sam Dastyari</td>
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<td>Deputy Leader of the Opposition</td>
<td>Hon. Tanya Plibersek MP</td>
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<td>Shadow Minister for Foreign Affairs and International Development</td>
<td>Hon. Matt Thistlethwaite MP</td>
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<td>Shadow Minister for Trade and Investment</td>
<td>Dr Jim Chalmers MP</td>
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<tr>
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<td>Hon. Anthony Albanese MP</td>
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<td>Shadow Minister for Northern Australia</td>
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<td>Hon. Alannah MacTiernan MP</td>
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<td>Shadow Parliamentary Secretary for External Territories</td>
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<td>Hon. Chris Bowen MP</td>
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<td><strong>Shadow Minister for Small Business</strong></td>
<td>Michelle Rowland MP</td>
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<td>Shadow Assistant Treasurer</td>
<td>Hon. Dr Andrew Leigh MP</td>
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<td>Dr Jim Chalmers MP</td>
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<td>Hon. Ed Husic MP</td>
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<td>Shadow Assistant Minister for Productivity</td>
<td>Julie Owens MP</td>
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<td>Shadow Special Minister of State</td>
<td>Hon. Brendan O’Connor MP</td>
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<td>Hon. Amanda Rishworth MP</td>
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<td>Shadow Parliamentary Secretary for Manufacturing</td>
<td>Nick Champion MP</td>
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<tr>
<td>Shadow Minister for Communications</td>
<td>Hon. Jason Clare MP</td>
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<td>Shadow Attorney-General</td>
<td>Hon. Mark Dreyfus QC MP</td>
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<td>Hon. Catherine King MP</td>
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<td>Hon. Shayne Neumann MP</td>
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<td>Senator Katy Gallagher*</td>
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<td>Shadow Minister for Immigration and Border Protection</td>
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<td>Hon. Brendan O’Connor MP</td>
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<tr>
<td>Shadow Minister for Employment Services</td>
<td>Hon. Julie Collins MP</td>
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</tbody>
</table>
Shadow Cabinet Ministers are shown in bold type.

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

TUESDAY, 15 MARCH 2016

Chamber
DOCUMENTS—
   Tabling ........................................................................................................ 1857
COMMITTEES—
   Meeting ........................................................................................................ 1857
PARLIAMENTARY REPRESENTATION—
   Victoria—
      Senators Sworn ...................................................................................... 1857
BUSINESS—
   Days and Hours of Meeting .................................................................... 1857
   Rearrangement .......................................................................................... 1869
BILLS—
   Commonwealth Electoral Amendment Bill 2016—
      Second Reading .................................................................................... 1875
MINISTERIAL ARRANGEMENTS .................................................................. 1878
QUESTIONS WITHOUT NOTICE—
   Hospitals ................................................................................................... 1878
   Defence Procurement ............................................................................... 1880
   Hospitals ................................................................................................... 1881
DISTINGUISHED VISITORS ...................................................................... 1883
QUESTIONS WITHOUT NOTICE—
   Commonwealth Scientific and Industrial Research Organisation ........... 1883
   Building and Construction Industry ........................................................ 1884
   Employment ................................................................................................ 1884
   Marriage ...................................................................................................... 1885
   National Innovation and Science Agenda .................................................. 1886
   Road Safety ................................................................................................ 1887
   Turnbull Government .................................................................................. 1889
   National Innovation and Science Agenda .................................................. 1890
   Australia Council ....................................................................................... 1891
   National Innovation and Science Agenda .................................................. 1892
   Education Funding ....................................................................................... 1894
   Northern Australia ...................................................................................... 1895
QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS—
   Commonwealth Scientific and Industrial Research Organisation ........... 1897
MINISTERIAL STATEMENTS—
   Fair Work Commission ............................................................................. 1897
ANSWERS TO QUESTIONS ON NOTICE—
   Question Nos 2876 and 2820 .................................................................... 1898
QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS—
   Hospitals .................................................................................................... 1914
   Commonwealth Scientific and Industrial Research Organisation ........... 1920
NOTICES—
   Presentation ............................................................................................... 1921
BUSINESS—
   Postponement ........................................................................................... 1929
CONTENTS—continued

Consideration of Legislation .......................................................................... 1930
Leave of Absence ................................................................................................. 1935
COMMITTEES—
    Reporting Date ................................................................................................. 1936
BILLS—
    Fair Work Amendment (Protecting Australian Workers) Bill 2016—
        First Reading ................................................................................................. 1936
        Second Reading .............................................................................................. 1936
COMMITTEES—
    Joint Committee of Public Accounts and Audit—
        Meeting ....................................................................................................... 1941
MOTIONS—
    World Kidney Day ........................................................................................... 1941
COMMITTEES—
    Procedure Committee—
        Reference .................................................................................................... 1942
MATTERS OF PUBLIC IMPORTANCE—
    Taxation ........................................................................................................... 1942
DOCUMENTS—
    Consideration .................................................................................................. 1957
    Affordable Housing ......................................................................................... 1957
    International Day of People with Disability .................................................. 1958
    Western Australia: Bushfires ........................................................................... 1959
    Western Australia: Bushfires ........................................................................... 1963
COMMITTEES—
    Membership .................................................................................................... 1964
COMMITTEES—
    Report .............................................................................................................. 1966
    Public Works Committee—
        Report ....................................................................................................... 1966
    Economics References Committee—
        Report ....................................................................................................... 1967
BILLS—
    Commonwealth Electoral Amendment Bill 2016—
        Second Reading ............................................................................................. 1970
ADJOURNMENT—
    Medicare .......................................................................................................... 2010
    Broadband ....................................................................................................... 2011
    Wendy’s ........................................................................................................... 2013
    Anniversary of Battle of Pozieres ..................................................................... 2015
    Indigenous Suicide .......................................................................................... 2018
    Broadband ....................................................................................................... 2020
    Federal Election .............................................................................................. 2022
    World Down Syndrome Day ............................................................................ 2025
    Western Sahara ............................................................................................... 2027
    Live Animal Exports ....................................................................................... 2027
CONTENTS—continued

Threatened Species................................................................. 2027
Lyme Disease ................................................................................ 2031

DOCUMENTS—
  Tabling....................................................................................... 2035
  Tabling....................................................................................... 2038
  Tabling....................................................................................... 2039
Tuesday, 15 March 2016

The PRESIDENT (Senator the Hon. Stephen Parry) took the chair at 12:30, read prayers and made an acknowledgement of country.

DOCUMENTS

Tabling

The Clerk: Documents are tabled pursuant to statute. Details will be recorded in the Journals of the Senate and on the Dynamic Red.

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

COMMITTEES

Meeting

The Clerk: Proposals to meet have been lodged as follows: by the Joint Standing Committee on Electoral Matters to meet today from 1.15 pm; by the Finance and Public Administration References Committee for a private meeting today from 1.45 pm; by the Foreign Affairs, Defence and Trade Legislation Committee for a public meeting on 17 March from 3.30 pm; by the Joint Standing Committee on Foreign Affairs, Defence and Trade for public meetings today at 12.30 pm and 7.30 pm; by the Legal and Constitutional Affairs Legislation Committee for a private meeting today from 1.50 pm; by the Legal and Constitutional Affairs References Committee for a private meeting today from 3.05 pm; by the Parliamentary Standing Committee on Public Works for private and public meetings today from 7 pm; and by the Rural and Regional Affairs and Transport References Committee for a public meeting on 16 March from 4.30 pm.

The PRESIDENT (12:32): I remind senators that the question may be put on any proposal at the request of any senator.

PARLIAMENTARY REPRESENTATION

Victoria

The PRESIDENT (12:32): I have received, through the Governor-General, from the Governor of Victoria a copy of the certificate of the choice by the Houses of Parliament of Victoria of James Paterson to fill the vacancy caused by the resignation of Senator Ronaldson. I table the document.

Senators Sworn

Senator Paterson made and subscribed the oath of allegiance.

BUSINESS

Days and Hours of Meeting

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (12:34): On behalf of Senator Fifield, I move:

That—

(1) The Commonwealth Electoral Amendment Bill 2016 have precedence over all government business until determined.
(2) On Tuesday, 15 March 2016:
   (a) the hours of meeting shall be 12.30 pm to 7 pm and 7.30 pm to adjournment;
   (b) the routine of business from 7.30 pm shall be government business only; and
   (c) the question for the adjournment of the Senate shall be proposed at 10.30 pm.

(3) On Wednesday, 16 March 2016:
   (a) the hours of meeting shall be 9.30 am to 7 pm and 7.30 pm to 11.10 pm;
   (b) the routine of business from 7.30 pm shall be government business only; and
   (c) the question for the adjournment of the Senate shall be proposed at 10.30 pm.

(4) If by adjournment of the Senate on Wednesday, 16 March 2016, the following bills have not been finally considered:
   Aged Care Legislation Amendment (Increasing Consumer Choice) Bill 2016
   Appropriation Bill (No. 3) 2015-2016 and Appropriation Bill (No. 4) 2015-2016
   Biological Control Amendment Bill 2016
   Business Services Wage Assessment Tool Payment Scheme Amendment Bill 2016
   Commonwealth Electoral Amendment Bill 2016
   Dairy Produce Amendment (Dairy Service Levy Poll) Bill 2016
   Law and Justice Amendment (Northern Territory Local Court) Bill 2016
   Migration Legislation Amendment (Cessation of Visa Labels) Bill 2015
   Tax Laws Amendment (Norfolk Island CGT Exemption) Bill 2016
   Territories Legislation Amendment Bill 2016 and Passenger Movement Charge Amendment (Norfolk Island) Bill 2016
   Trade Legislation Amendment Bill (No. 1) 2016,

   (a) on Thursday, 17 March 2016:
      (i) the hours of meeting shall be 9.30 am to adjournment,
      (ii) consideration of general business and consideration of committee reports, government responses and Auditor General's reports under standing order 62(1) and (2) shall not be proceeded with,
      (iii) the routine of business from not later than 4.30 pm shall be government business only, and
      (iv) divisions may take place after 4.30 pm; and
   (b) the Senate shall adjourn after it has finally considered the bills listed above in paragraph (4) only, or a motion for the adjournment is moved by a minister, whichever is the earlier.

I also move:
That the question be now put without amendment or debate.

The PRESIDENT: The question is that the question be now put.

Senator Wong interjecting—

The PRESIDENT: I am obliged under the standing orders to put the question. The question is that the question now be put. Division required; ring the bells.

Senator Wong: Mr President, I rise on a point of order.

The PRESIDENT: Senator Wong, I can only take a point of order in relation to the division. Do you have a point of order?
**Senator Wong:** My point of order is that this is the parliament of Australia, not a dictatorship, and those opposite will not even allow a debate.

**The President:** That is not a point of order. Resume your seat, Senator Wong. There is no point of order.

The Senate divided. [12:39]

(The President—Senator Parry)

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

**(AYES)**

- Abetz, E
- Bernardi, C
- Brandis, GH
- Canavan, MJ
- Cormann, M
- Edwards, S
- Fifield, MP
- Johnston, D
- Ludlam, S
- McGrath, J
- McKim, NJ
- O'Sullivan, B
- Paterson, J
- Reynolds, L
- Rice, J
- Ryan, SM
- Seselja, Z
- Simms, RA
- Waters, LJ
- Williams, JR

**(NOES)**

- Bilyk, CL
- Bullock, JW
- Collins, JMA
- Day, RJ
- Gallagher, KR
- Lambie, J
- Leyonhjelm, DE
- Ludwig, JW
- McAllister, J
- Moore, CM
- O'Neill, DM
- Polley, H
- Urquhart, AE (teller)
- Wong, P

- Back, CJ
- Birmingham, SJ
- Bushby, DC (teller)
- Colbeck, R
- Di Natale, R
- Fawcett, DJ
- Hanson-Young, SC
- Lindgren, JM
- Macdonald, ID
- McKenzie, B
- Nash, F
- Parry, S
- Payne, MA
- Rhiannon, L
- Ruston, A
- Scullion, NG
- Stewart, R
- Sinodinos, A
- Whish-Wilson, PS

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**CHAMBER**
Pair:

Cash, MC   Sterle, G
Fierravanti-Wells, C  McLucas, J
Heffernan, W  Carr, KJ
Smith, D  Conroy, SM

Question agreed to.

The PRESIDENT (12:43): The question now is that the motion moved by Senator Brandis be agreed to.

The Senate divided. [12:43]

(The President—Senator Parry)

Ayes ......................39
Noes ......................27
Majority ............... 12

AYES
Abetz, E
Bernardi, C
Brandis, GH
Canavan, MJ
Cormann, M
Edwards, S
Fifield, MP
Johnston, D
Ludlam, S
McGrath, J
McKim, NJ
O'Sullivan, B
Paterson, J
Reynolds, L
Rice, J
Ryan, SM
Seselja, Z
Simms, RA
Waters, LJ
Williams, JR

NOES
Bilyk, CL
Bullock, JW
Collins, JMA
Day, RJ
Gallagher, KR
Lambie, J
Leyonhjelm, DE
Ludwig, JW
McAllister, J
Moore, CM
O'Neill, DM
Polley, H

Brown, CL
Cameron, DN
Dastyari, S
Gallacher, AM
Ketter, CR
Lazarus, GP
Lines, S
Marshall, GM
McEwen, A
Muir, R
Peris, N
Singh, LM
I seek leave to move my two amendments together.

Leave not granted.

Senator MUIR: I move that so much of standing orders be suspended as would prevent me moving a motion to provide for consideration—

The PRESIDENT: There is no question before the chair to amend. The matter has been dealt with in the previous motion, so there is nothing to amend. You are in order to seek leave to do anything, but you cannot do what you want to do in that regard, because there is nothing to amend. You will have to rephrase it in a different matter. For clarity: there is a motion to be moved by leave circulated. Is this the motion that you wish to move?

Senator MUIR: Yes, I believe so.

The PRESIDENT: So you want to rephrase. You are seeking leave to move a motion in the terms circulated in the chamber.

Senator MUIR: I seek leave to move a motion in relation to the terms circulated in the chamber.

Leave not granted.

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

Leave not granted.

Senator MUIR: Can I suspend standing orders now?

The PRESIDENT: You can move a contingent motion to suspend standing orders.

Senator MUIR: I move:

That:

So much of standing orders be suspended as would prevent me moving a motion to provide for the consideration of a matter—namely, a motion to give precedence to a motion relating to the hours of meeting and routine of business today.

The government has been very vocal about not being able to pass the ABCC legislation through the Senate, yet, when given an opportunity on a silver platter, they reject it. There is an opportunity now to debate this legislation, putting it in front of all other government business, but, together with a deal you made with the Greens, you are ignoring something that you claim to be some of the most important legislation you need to put to the Senate. To quote the Prime Minister, 'We would not be having this debate had the Senate actually voted
for these amendments.’ We are now standing with the opportunity to have this debate, and the government is rejecting it and the Greens are allowing it to happen to put self-interest ahead of the people of Australia. It is an absolute disgrace.

The amendments you have rushed through the parliament for a bill we are all going to discuss very soon and which had a very poor committee stage, are not what you or the government claim it to be. The bill has only recently come out of the committee stage. I even supported the government in an attempt to avoid the bill being referred to the committee in the first place when it had the reporting date of 15 March, which was pulled back to the end of last week so it could be debated in the committee of the whole, so the government cannot claim that the crossbench was not being proactive in trying to assist them in at least debating this in the Senate. There were amendments which were worthwhile to discuss and which should be put ahead of electoral reform which you are putting forward in your own interest. There is no secret that I was trying to work with the government. I even went and visited the Minister for Employment in her office in Perth. I was more than happy at least to sit down, have this conversation and be proactive.

The government is claiming that electoral reform needs to come through to rid it of the crossbenchers in the Senate to stop an unorderly Senate. Only a handful of bills have actually been knocked back. There has been some terrible policy. The Greens have agreed to that, yet they are trying to give you the majority in the Senate for the future to come. It is an absolute disgrace. The problem is not the crossbench. We are here trying to work with you, all having a diverse amount of views, something the Greens should be sticking up for. But we are not discussing innovation, progress or tax; we are discussing self-interest ahead of what the government claims to be their most important legislation.

Only a handful of bills have been rejected. The government is blaming the crossbench rather than looking in their own backyard to see that the ministerial changes all the time are part of their problem. By getting rid of the diverse Senate and wedging the Greens into a position of power—have fun. Oh my god, you’re going to have some fun! But the people of Australia are going to see through this.

I look forward to more debate in relation to electoral reform, but the ABCC, going off your own rhetoric, should be coming first.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (12:50): I move:

That the question be now put.

The PRESIDENT: The question is that the motion moved by Senator Brandis that the question be now put be agreed to.

The Senate divided [12:55]

(The President—Senator Parry)

Ayes ......................38
Noes ......................27
Majority .................11

AYES

Abetz, E
Bernardi, C

Back, CJ
Birmingham, SJ

CHAMBER
Question agreed to.

The PRESIDENT (12:59): The question is that the motion moved by Senator Muir be agreed to.

A division having been called and the bells being rung—

The PRESIDENT: For senators' benefit, it is the substantive motion to suspend standing orders moved by Senator Muir.

The Senate divided. [12:59]

(The President—Senator Parry)

Ayes .................... 25
Noes .................... 38
Majority ............... 13
AYES

Bilyk, CL
Brown, CL
Bullock, JW
Cameron, DN
Collins, JMA
Dastyari, S
Day, RJ
Gallagher, KR
Ketter, CR
Lambie, J
Lazarus, GP
Leyonhjelm, DE
Lines, S
Ludwig, JW
Marshall, GM
McAllister, J
Moore, CM
Muir, R
O'Neil, DM
Peris, N
Polley, H
Singh, LM
Urquhart, AE (teller)
Wong, P

NOES

Abetz, E
Back, CJ
Bernardi, C
Birmingham, SJ
Brandis, GH
Bushby, DC
Canavan, MJ
Colbeck, R
Cormann, M
Di Natale, R
Edwards, S
Fawcett, DJ
Fifield, MP
Hanson-Young, SC
Johnston, D
Lindgren, JM
Ludlam, S
Macdonald, ID
McGrath, J
McKenzie, B (teller)
McKim, NJ
Nash, F
O'Sullivan, B
Parry, S
Paterson, J
Payne, MA
Reynolds, L
Rhiannon, L
Rice, J
Ruston, A
Ryan, SM
Seselja, Z
Siewert, R
Simms, RA
Sinodinos, A
Waters, LJ
Whish-Wilson, PS
Williams, JR

Question negatived.

Senator LEYONHJELM (New South Wales) (13:02): I seek leave to move a motion regarding the resolution regarding the hours of meeting and routine of business considered earlier in the day.

Leave not granted.

Senator LEYONHJELM: Pursuant to contingent notice, I move:

That the resolution agreed to earlier today relating to hours and routine of business for this week be amended as follows:

(1) Paragraph (4) add the following bill:
"Marriage Equality Amendment Bill 2013"

(2) Omit paragraph (4)(b) and substitute the following:
"(b) the Senate shall adjourn either:

CHAMBER
After it has considered the bills listed above in paragraph (4) only.

or

(ii) A motion for the adjournment is moved by a minister only after the Senate has finally considered the Marriage Equality Amendment Bill 2013.

(3) Add the following new paragraph "(4)(c) for the purposes of this order, the consideration the Marriage Equality Amendment Bill 2013 be listed and considered as a Government Business Order of the Day.

The government's motion states that if certain bills have not been finally considered by adjournment on Wednesday then on Thursday we will have special arrangements and we will not adjourn until either these bills are finally considered or a minister moves a motion for the adjournment.

My motion—my amendment—adds the Marriage Equality Amendment Bill 2013 to the list of bills that trigger special arrangements on Thursday, and it prevents a minister from moving a motion for Thursday's adjournment until at least this bill has been finally considered. My amendment does not limit the government's ability to require the final consideration of the bills on its list; it just requires that there also be consideration of the Marriage Equality Amendment Bill 2013.

The Marriage Equality Amendment Bill 2013 was introduced in December 2013, was debated extensively in November 2015, and largely replicates a bill debated in the previous parliament in August 2012. The Marriage Equality Amendment Bill 2013 is a Greens' bill. I support this bill—even though it differs from the Liberal Democrats' own bill on this issue, the Freedom to Marry Bill 2014—because I support allowing same-sex marriage, irrespective of which party's bill finally makes this a reality. I propose that the Greens' bill be the one we add to this motion, because the Greens are the swing vote on this motion. I do not want to see an opportunity to allow same-sex marriage squandered, just because the Greens did not like a detail of someone else's same-sex marriage bill.

The Greens have said that parliament should deal with same-sex marriage and that there is no cause for delay. They have repeated this position recently at Mardi Gras and in the wake of the Safe Schools debate, which foreshadows the kind of debate we would see in the lead-up to a plebiscite. I do not look forward to an expensive and divisive plebiscite where people would be asked to vote on other people's rights. The potential for coalition parliamentarians to vote as a block against allowing same-sex marriage is not a reason to put off a parliamentary vote. It is a reason to proceed. Each voter should know before an election whether their coalition parliamentarian is committed to allowing same-sex marriage. It would be perverse and undemocratic for the Greens to avoid parliamentary consideration of their own bill just to provide coalition parliamentarians with cover on this issue.

I call on all senators to support this amendment—including senators who do not support change to the Marriage Act. Supporting this amendment simply means that you do not fear voting on the issue of same-sex marriage and you accept that it is part of your job.

Senator DI NATALE (Victoria—Leader of the Australian Greens) (13:05): There is no greater supporter of marriage equality in the Australian Parliament than the Australian Greens. Long before it became a popular cause, it was the Australian Greens that were leading the charge on marriage equality—
Opposition senators interjecting—

Senator DI NATALE: long before 'we' sniffed the political breeze and thought, 'Yeah, we can support this,' we supported it when we knew it was right. And that is why every single MP, every time, in any state parliament, and in every federal parliament, of the Australian Greens have voted for marriage equality.

We are so committed to this issue—as, clearly, is the Australian Labor Party—that we are proposing to the Australian Labor Party that we, on Thursday, during private senators' time, back in this reform. If this is just crocodile tears, if this is some political tactic, if this is simply some opportunity to play wedge politics with an issue as serious as ending prejudice in marriage once and for all, then the Australian Labor Party will support ensuring that we bring in this debate on Thursday during private senators' time—during their private senators' time. If this is not just some political tactic in an effort to overturn a democratic reform—incidentally a reform that they have supported for many years, and, in fact, that many of their own side continue to support—then we will support any endeavour from the Australian Labor Party to bring this on for a vote.

In fact, we will go further. You have our unconditional support right now, this afternoon, to ensure that, when we vote for the piece of legislation that we will be debating on Thursday, marriage equality takes precedence over everything else. The decision is now yours, Senator Wong, Senator Dastyari and Senator Cameron—

The PRESIDENT: Through the chair, Senator Di Natale.

Senator DI NATALE: to ensure that on Thursday we have the opportunity to ensure that we get marriage equality legislation through the Senate. It can be done this Thursday.

The question is now for you, Senator Wong. Will you ensure that we get legislation through this parliament on Thursday in the time that you have allotted on an issue that we have all collectively as a community fought so long and hard for? Will you ensure it sees passage through this parliament? Will you, through your action, fuel a vote on Thursday to ensure that we end discrimination on marriage once and for all? The question now is: is this just some sneaky political tactic in an effort to overturn a democratic reform that you, yourself, are on the record as supporting? Is that what this is about? Are you playing wedge politics with an issue? Because, if you are not, let us do it on Thursday. Let us ensure the passage of legislation this week. We can get it done.

I think the saddest thing—

Opposition senators interjecting—

The PRESIDENT: Order on my left!

Senator Ian Macdonald: Mr President, I rise on a point of order. I am trying to listen to this debate and I seriously cannot hear Senator Di Natale because there are not only Labor people on that side but also Labor people on this side not in their seats who are yelling and stopping me from hearing this discussion.

Senator Wong: Mr President, on the point of order: I acknowledge Senator Macdonald's interjection. Those of us who keep being gagged are trying to make our voices heard. What I would say is that, given Senator Di Natale is speaking to me, I hope you will allow me the opportunity to respond.
The PRESIDENT: That is not a point of order. Before I call Senator Di Natale—
Senator Dastyari interjecting—

The PRESIDENT: Senator Dastyari, that is disorderly. Before I call Senator Di Natale, I remind all senators that interjections are disorderly. I know it is a tense moment, but we need to just have a bit of decorum and a bit of order and allow the speakers to be heard. Senator Di Natale, you have the call.

Senator DI NATALE: I think the saddest thing that could happen with the issue of marriage equality is that a wedge be driven between those advocates who support marriage equality. It does not have to be that way. What we can have now is a commitment from the Labor Party to ensure that on Thursday in private senators’ time this legislation will be brought on for debate. If they are not prepared to do that, these are crocodile tears. It is cynical wedge politics. This is too important an issue to be used as a political football. Those people who have supported this reform now for decades would be disgusted if this was simply some cheap political tactic. (Time expired)

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (13:11): I move:

That the question be now put.

The PRESIDENT: The question is that the motion moved by Senator Brandis that the question now be put be agreed to.

The Senate divided. [13:15]

(The President—Senator Parry)

Ayes ....................38
Noes .....................24
Majority ...............14

AYES
Abetz, E
Bernardi, C
Brandis, GH
Canavan, MJ
Cormann, M
Edwards, S
Fifield, MP
Johnston, D
Macdonald, ID
McKenzie, B (teller)
Nash, F
Parry, S
Payne, MA
Rhiannon, L
Ruston, A
Seselja, Z
Simms, RA
Waters, LJ
Williams, JR

Back, CJ
Birmingham, SJ
Bushby, DC
Colbeck, R
Di Natale, R
Fawcett, DJ
Hanson-Young, SC
Lindgren, JM
McGrath, J
McKim, NJ
O’Sullivan, B
Paterson, J
Reynolds, L
Rice, J
Ryan, SM
Siewert, R
Sinodinos, A
Whish-Wilson, PS
Xenophon, N
Question agreed to.

The PRESIDENT (13:20): The question is that the motion moved by Senator Leyonhjelm to suspend standing orders be agreed to.

The Senate divided. [13:20]

(The President—Senator Parry)

Ayes ......................24
Noes ......................38
Majority .................14

AYES

Bullock, JW
Collins, JMA
Gallacher, AM
Ketter, CR
Lazarus, GP
Lines, S
Marshall, GM
McEwen, A
Muir, R
Peris, N
Sterle, G
Wang, Z

NOES

Abetz, E
Bernardi, C
Brandis, GH
Canavan, MJ
Cormann, M
Edwards, S
Fifield, MP
Johnston, D
Macdonald, ID
McKenzie, B (teller)
Nash, F
Parry, S

B Cameron, DN
Dastyari, S
Gallagher, KR
Lambie, J
Leyonhjelm, DE
Ludwig, JW
McAllister, J
Moore, CM
O’Neill, DM
Singh, LM
Urquhart, AE (teller)
Wong, P
Rearrangement

Senator LAZARUS (Queensland—Leader of the Glenn Lazarus Team) (13:22): I seek leave to move the following motion, regarding the resolution regarding the hours of meeting and routine of business considered earlier in the day:

"(1) That the following bills have precedence in seriatim over all government business until determined:
   (b) Landholders' Right to Refuse (Gas and Coal) Bill 2015;
   (c) Commonwealth Electoral Amendment Bill 2016."

(2) Paragraph (4) add the following bills:

Landholders' Right to Refuse (Gas and Coal) Bill 2015"

(3) Add the following new paragraph "(4) (c) for the purposes of this order, the consideration the Landholders' Right to Refuse (Gas and Coal) Bill 2015 be listed and considered as a Government Business Order of the Day."

Leave not granted.

Senator LAZARUS: Pursuant to contingent notice, I move that so much of the standing orders be suspended, as would prevent me from moving a motion relating to the conduct of the business of the Senate—namely, a motion to amend the resolution in the terms I have circulated in the chamber in my name.

The PRESIDENT: Senator Lazarus, I am going to pull you up there. Successive presidents have ruled, and the procedure committee has endorsed the president's rulings—the most recent being Senator Hogg in November 2010—that repeated suspension motions such as we have had this morning are out of order. In fact, more than one has been ruled as being out of order. If you take it to its logical conclusion, it would mean that the Senate could be disrupted 75 times through the same procedure. So I am going to rule, based upon precedent, that it is not appropriate to raise that suspension of standing orders. I am happy to entertain points of order in an orderly fashion. I will not take interjections.

Senator Wong: Mr President, I raise a point of order on that. I would ask that you consider two points. I am familiar with that ruling, and with Senator Hogg's ruling. My first point is that this is in relation to a different bill and, with respect, I do not believe it would be appropriate, nor consistent with precedent, for you to apply that proposition in relation to a
different bill. As a matter of practicality, I would also make the point that this is the last amendment, as far as I am aware, being moved to this motion—obviously, other senators may have a different view. I will also seek leave to make a statement. I am going to give the government notice of that, given that I was gagged in responding previously—

Senator Ian Macdonald: Is this a point of order?

The PRESIDENT: Order on my right. I am entertaining points of order in relation to my ruling.

Senator Wong: I am flagging, in an attempt to be helpful to the chair and to the chamber, that I understand Senator Lazarus has a motion on a different point. I do not believe there is any other motion to amend the motion that has been moved and circulated.

The PRESIDENT: Thank you, Senator Wong. Senator Brandis, on the point of order?

Senator Brandis: Mr President, on the point of order. The government supports your ruling. In substance, this issue was resolved—that is, the question of whether debate on the building and construction industry legislation should be brought forward when the matter was moved by Senator Muir—and the matter was deliberated upon then. So, with respect, Mr President, the motion in substance is the same. It is somewhat differently expressed, but the test—Mr President, through you—is whether it is in substance the same. It is in substance the same. It would have the same effect. In that regard, might I respectfully also draw to your attention standing order 86, which prevents the same question, or questions which are in substance the same question, from being put sequentially.

The PRESIDENT: Thank you, Senator Brandis. Senator Cormann, on the same point?

Senator Cormann: Thank you, Mr President. To add to the point of order made by my good friend Senator Brandis. The Senate this afternoon determines the hours of meeting and routine of business this week and have determined to do so without amendment or debate. There have been successive suspensions of standing orders moved to seek to negate what the Senate has already determined. That is why I join with the Leader of the Government in the Senate, Senator Brandis, in strongly supporting the ruling that you have made which is consistent, as you say, with past rulings of past presidents, including President Hogg.

Senator Moore: On the same point, in terms of the process it would seem to me that the responsibility of the Senate is to allow senators to bring their voices to this chamber. We now have had the original motion moved and passed in this place about the hours of business. We have had two senators bring forward their concerns about important pieces of legislation that they have tested on the floor of the Senate. There are only three such motions in front of the Senate. We have them all in front of us. They have been circulated. In turn I have listened to Senator Brandis and the other senators in here about their concerns. In terms of allowing free flow and goodwill in this place, where often goodwill is lacking when we have had only one other senator who has brought forward a motion, and the way that we have been proceeding with it has not taken a considerable amount of time—

Senator Ian Macdonald interjecting—

Senator Moore: I actually listen always with interest to Senator Macdonald, who does not allow any other voice but his own to be heard in this place. In terms of the process, I would seek your indulgence in this process that we have a senator who has brought his position to us. We have a clear process to follow. I would argue that it would be fair play, if that is a
term—I do not think there is a standing order that uses that term but perhaps there should be—to allow Senator Lazarus to test his proposition before the Senate in the very short time that he would be taking to do so.

The PRESIDENT: Thank you. I am happy to rule. In relation to the points that have been put forward, I will allow Senator Lazarus to continue with his motion. But I will give notice to all senators that I will not allow a further suspension of standing orders in relation to the routine of business. That has been determined by the Senate—

Senator Wong interjecting—

The PRESIDENT: I am still speaking, Senator Wong. That has been determined by the Senate now on four occasions. I agree with Senator Brandis about the substance of this motion; it is identical apart from the different bill name that has been inserted. The motion is achieving the same thing. If I were to allow this to continue, it could go all day and would disrupt the work of the Senate. The Senate has decided its business. I will allow this one last time with Senator Lazarus. Senator Wong?

Senator Wong: I did flag previously—this is a point of order in relation to that ruling—that I would be seeking leave to make a short statement.

The PRESIDENT: That is a separate matter. You are entitled to do that afterwards. Senator Lazarus, you can move your motion and speak to it.

Senator LAZARUS: Thank you, Mr President. I move:

"(1) That the following bills have precedence in seriatim over all government business until determined:
   (a) Building and Construction Industry (Improving Productivity) Bill 2013 [No.2] and Building and Construction Industry (Consequential and Transitional Provisions) Bill 2013 [No. 2];
   (b) Landholders' Right to Refuse (Gas and Coal) Bill 2015;
   (c) Commonwealth Electoral Amendment Bill 2016."

(2) Paragraph (4) add the following bills:

Landholders' Right to Refuse (Gas and Coal) Bill 2015"

(3) Add the following new paragraph "(4) (c) for the purposes of this order, the consideration the Landholders' Right to Refuse (Gas and Coal) Bill 2015 be listed and considered as a Government Business Order of the Day."

Senator LAZARUS: Coal seam gas mining is one of the most evasive and diverse forms of mining in the world. CSG mining is currently exploding across Queensland, affecting the health and welfare of Queeslanders across my home state. CSG mining is depleting the important aquifers, contaminating remaining water, damaging the health of people and animals, and destroying communities. The people of Queensland have virtually no rights to say no to mining on their land. Queenslanders who try to stop CSG mining companies from coming onto their land are bullied and subjected to harassment and other nasty tactics. Farmers and Queenslanders affected by CSG mining are expressing a range of serious matters, including health issues, death of livestock and depletion and contamination of groundwater. Bores and wells are running dry and are becoming toxic because of CSG mining. Animals are losing their hair and they are dying. Children are suffering from nosebleeds and unexplained ailments. Many people have developed chronic illnesses.
Senator McGrath interjecting—

Senator LAZARUS: These are the people who voted you in. Oh, no, you didn’t get voted in—did you?—you got parachuted.

Senator McGrath: You didn’t get voted in either. Clive Palmer put you in.

Senator LAZARUS: You got 500 votes and you are in there.

Senator McGrath interjecting—

Senator Ian Macdonald interjecting—

The PRESIDENT: Order, on my right! Two matters: firstly, interjections are disorderly and I need to hear the speaker; and, secondly, Senator Lazarus, it would help if you addressed your remarks to the chair and not inflame the interjections.

Senator LAZARUS: Sorry, Mr President. They bring out the best of me! CSG mining—

Senator Ian Macdonald: What about Townsville?

Senator LAZARUS: Don’t you talk about Townsville, Senator Macdonald.

The PRESIDENT: Senator Lazarus, through the chair.

Senator LAZARUS: CSG mining has been banned in other countries because of its harmful, long-term economic, health, social and environmental impacts. It is extremely dangerous and needs to be stopped in Australia. I urge everyone in this room to go for a drive into our agricultural heartland to see the damage, the destruction and the devastation caused by CSG mining.

The Senate inquiry into unconventional gas mining heard from families with sick children and from farmers, who used to be in favour of CSG mining who have been treated with absolute disrespect and now argue against it. It is destroying rural Queensland communities and the fact that property owners cannot refuse access to their land is an absolute outrage.

I call for immediate action on this issue and I call on the Greens to show some heart and soul, and to support the people of Queensland and the rest of Australia from being decimated by unconventional gas mining by supporting the inclusion of the Landholders’ Right to Refuse (Gas and Coal) Bill 2015 in this week’s sitting.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (13:32): I move:

That the question be now put.

The PRESIDENT: The question is that the motion moved by Senator Brandis, that the question now be put, be agreed to.

The Senate divided. [13:36]

(The President—Senator Parry)

Ayes .................... 38
Noes .................... 25
Majority ................ 13

AYES
Abetz, E Back, CJ
Bernardi, C Birmingham, SJ
Brandis, GH Bushby, DC
Tuesday, 15 March 2016

SENATE

AYES
Canavan, MJ
Cormann, M
Edwards, S
Fifield, MP
Johnston, D
Ludlam, S
McGrath, J
McKim, NJ
O’Sullivan, B
Paterson, J
Reynolds, L
Rice, J
Ryan, SM
Siewert, R
Sinodinos, A
Whish-Wilson, PS

Colbeck, R
Di Natale, R
Fawcett, DJ
Hanson-Young, SC
Lindgren, IM
Macdonald, ID
McKenzie, B (teller)
Nash, F
Parry, S
Payne, MA
Rhiannon, L
Ruston, A
Seselja, Z
Simms, RA
Waters, LJ
Williams, JR

NOES
Bilyk, CL (teller)
Cameron, DN
Dastyari, S
Gallacher, KR
Lambie, J
Leyonhjelm, DE
Ludwig, JW
McAllister, J
Moore, CM
O’Neill, DM
Polley, H
Sterle, G
Wong, P

Bullock, JW
Collins, JMA
Gallacher, AM
Ketter, CR
Lazarus, GP
Lines, S
McEwen, A
Muir, R
Peris, N
Singh, LM
Wang, Z

Question agreed to.

The PRESIDENT (13:40): The question now is that the motion moved by Senator Lazarus to suspend standing orders be agreed to.

The Senate divided. [13:40]

(The President—Senator Parry)

Ayes .......................25
Noes .......................38
Majority ...................13

AYES
Bilyk, CL (teller)
Cameron, DN
Dastyari, S
Gallagher, KR
Lambie, J
Leyonhjelm, DE
Ludwig, JW

Bullock, JW
Collins, JMA
Gallacher, AM
Ketter, CR
Lazarus, GP
Lines, S
Marshall, GM
Senator WONG (South Australia—Leader of the Opposition in the Senate) (13:42): Mr President, I seek leave to make a short statement.

The PRESIDENT: Leave is granted for five minutes.

Senator WONG: I thank the Senate. This has been a day in which we have seen the coalition vote against bringing on debate on the ABCC bill. I suppose it was not quite as important as everybody said. We have seen the Greens say no to bringing on an anti coal gas bill. I guess that is not as important as everybody said. And we have seen the Greens vote against bringing on a marriage equality bill. All of those things are apparently less important to the coalition and the Greens than their dirty deal on Senate voting. That is the most important thing.

I want to focus on the marriage equality bill for a moment, because I remember the Greens saying on marriage equality: 'Every Green, every vote, every time'—except today. 'Every Green, every vote, every time'—except today. What an extraordinary performance by Senator Richard Di Natale, who stands in this chamber and calls on me to respond on marriage equality, and then he gags me. He gags me with Senator Brandis because he does not want to hear Labor's answer on marriage equality. I get gagged by the Greens! I expect to be gagged by some on the other side, but for Senator Di Natale and Senator Hanson-Young and Senator...
Simms and Senator Rhiannon and all of the Greens to vote with Cory Bernardi to make sure that we could not debate marriage equality—that was a sight to behold, wasn't it? That was a sight to behold.

I want to remind people what Senator Di Natale is actually suggesting. He is saying, 'It's all okay, we can do it in private senators' bills.' Everybody in this place knows: it will not get passed. It will not get voted on. Private senators' legislation—one hour—does not get voted on. We all know that; whereas Senator Leyonhjelm's amendment would have ensured a vote. It would have ensured a vote because we would stay until it is voted on. So it is not one hour that they are trying to give on Thursday to get themselves out of the problem that they voted with Senator Cory Bernardi to prevent debate on marriage equality—that is what they have done. This would have actually ensured a vote. 'Every Green, every vote, every time'—but not today. 'No; today we are voting with Senator Bernardi and those on the other side who do not believe that marriage equality should be made a reality.' That is what the Australian Greens have done.

Australian Greens senators interjecting—

Senator WONG: You might want to interject, but everybody knows what you have done here today.

What I am interested in is: how come Mr Bandt, in the other place, thought it was so important to bring on the bill? He, to his credit, in the other place supported the Labor Party in seeking to bring on the marriage equality legislation in the House of Representatives, but all of a sudden his Senate colleagues do not believe it is so important. 'Every Green, every vote, every time'—but not today. 'No, not today; today we are voting with the coalition to gag debate.' What has occurred today? Not only has the coalition said no to a debate on this supposedly incredibly important bill, the ABCC bill; not only have the Greens said no to their own bill in relation to coal seam gas; and not only have the Greens said no to Senator Hanson-Young's bill on marriage equality; the Greens have also not had the courage of their convictions to have the debate. They have gagged the debate. Every time something has been moved, they have not had the courage to stand up and articulate their position. They have cut in behind the Leader of the Government in the Senate, Senator Brandis, and gagged debate.

The only exception to that was Senator Di Natale. What hypocrisy! What cowardice! He gets to his feet, demands that I respond, has a go at the Labor Party and then gags us, with Senator Brandis. He gags on us on marriage equality. I have not always agreed—in fact I have disagreed many times—with various of the leaders of the Greens, but I have to say I have never seen a leadership without a backbone like this, never seen a leadership that is not prepared to debate the issue, never seen a leadership prepared to get behind Senator George Brandis to gag debate in this chamber and to treat this chamber not as a chamber of the Australian parliament, where debate occurs, but as a dictatorship. That is how Senator Di Natale is treating this chamber, and you are all going along with him. (Time expired)

BILLS

Commonwealth Electoral Amendment Bill 2016

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.
I rise to continue my remarks around this extraordinary piece of legislation, the Commonwealth Electoral Amendment Bill 2016, following what has been an extraordinary start to the day. I have to say, before I go into my remarks on this bill, that I have never, in all my time, seen such a disgusting performance from the Leader of the Australian Greens. To come into this place and to issue a challenge directly to Senator Wong and then to gag her is extraordinary. I am not naive. I am not a novice about gags and their implementation—I have been Manager of Government Business myself in the past—but I have never seen such extraordinary behaviour from the Leader of the Australian Greens. To stand there and to issue a challenge to Senator Wong in the way he did and then for the whole Greens team to gag her is outrageous. Senator Di Natale—I note on the speakers list—is due to speak next, and he has just re-entered the chamber. He was not here to listen to Senator Wong’s response. It is absolutely extraordinary. We heard Mr Kroger say, over the weekend: ‘Oh, he’s a nice guy. He’s not an extremist. He’s a doctor and he owns a farm.’ Well, so did Bob Brown. I do not know what being a doctor and owning a farm means, but the behaviour that we have seen here today does show the man. It definitely shows the man. To issue a challenge in the way that he did and then gag the very person he was issuing that challenge to is outright cowardice.

But let us go to the matter at hand. The Australian Labor Party recognises legitimate concerns about the laws governing the election of senators and the outcome of the half-Senate election in 2013. The proportional representation system which we use to elect senators to this place is complex and it has its quirks. As any engineer will tell you, complex systems are never perfect—and the current electoral system used for the Senate is no exception. But those opposite, and the Greens, have used these facts to try and argue that the Labor Party does not have a clear position or is not united in its position—and they are simply wrong.

True proportional representation may have its quirks, but it also offers great benefits—benefits that these senators are keen to deny. Let us look at what those benefits are. It ensures that senators are elected to this place in broad proportion to the level of support that each party or candidate has in the community. It is much more democratic than a crude ‘winner takes all’ system such as the ‘first past the post’ approach used to elect members of the House of Commons, which tends to generate majoritarian outcomes and disenfranchise electors who do not support the major parties and other established political players—exactly what we just saw here.

Our current system of proportional representation has also produced a better parliament. It ensures that the major parties are generally denied a majority in the Senate and it forces the executive to negotiate—some better than others—with non-government senators who hold the balance of power to secure the government’s legislative agenda. It ameliorates the harsh edges of the governing party’s ideology and acts as a powerful check and balance on the exercise of executive power. Proportional representation has seen the Senate grow from the states house to the house of review, and this is a function cherished by the Australian people. These are the things that are at risk in this change.

The unexpected outcome of the 2013 half-Senate election gave rise to the concerns that the proportional representation system used in the Senate, which has been working well for many years, had been knocked off kilter and had become a problem. If there is such a problem, Labor believes that the appropriate response is for the parliament to deal with it through a
considered, principled and transparent process. Remember, everyone, we still have not seen what is in this deal. In fact, Senator Di Natale tells us, 'there is nothing written and it seems to shift and shift'. But a transparent process should involve all the parties in this place, including unaligned senators, to develop a solution that enjoys support across the political system. The outcome must, and must be seen to, prioritise the democratic rights of the Australian people above all other interests, especially partisan self-interests.

Senators from the Greens corner at the moment say, 'It happened'. Anyone who believes that is what happened in JSCEM is a fool. I know you did not participate in that process. I know it was Senator Rhiannon sitting right behind you. But if anyone believes that what happened in JSCEM was a transparent and open process, they are a fool. This is why the Commonwealth Electoral Amendment Bill 2016 fails the test. The bill was not the product of any principled and transparent parliamentary process.

The government claims this bill implements the recommendations of the Joint Standing Committee on Electoral Matters in its interim report on the conduct of the 2013 federal election, but this is not true. I see Senator Rhiannon sitting there laughing and smiling, because she knows what it really is about. This bill is not the product of the JSCEM recommendations. It is the product of a filthy deal cooked up behind closed doors by Senator Di Natale, Senator Rhiannon and his new friends, Senator Xenophon and Senator Cormann.

The government likes to say that this legislation at least implements the substance, or 85 per cent, of the JSCEM recommendations, but this is a ruse. This bill is a bastardised version of the JSCEM recommendations. It is a badly mangled rip-off of that report. We all know that in a complex electoral system, such as the proportional representation that we use to elect senators, even minor changes can have a dramatic impact and serious unintended consequences. I keep saying things like logos on ballot papers—have we properly thought that through? I know the Greens like their logo and 'to hell with anybody else' seems to be their response.

The Liberal-Xenophon-Greens plan is not designed to serve the democratic interests of the Australian people or ensure their will is reflected in the composition of this parliament. The purpose of this legislation is to maximise the number of senators elected by the major parties, such as the Liberal Party and the established minor players, such as the Greens political party and the Nick Xenophon team. It is designed to exhaust preferences early, so Independents and so-called microparties are deprived of votes. Its object is to prevent new players from entering the Senate, thereby entrenching the electoral dominance of the existing players.

The principal beneficiary of this new voting system will be the Liberal Party—no surprise there—which traditionally receives a high primary vote. The Liberal Party's true motivation is to achieve lasting electoral dominance in the Senate for the conservative parties and, over time, a lasting Senate majority in its own right—back to 2004.

Senator Xenophon sees it as his best chance to increase his own representation in this place, in particular through the corralling of votes in South Australia, where he is personally popular. But of course Greens senators, such as Senator Hanson-Young and Senator Simms, will pay a high price for this proposal. Indeed, this proposal will benefit senators such as Senator Rhiannon, but to hell with Senators Hanson-Young or Simms. But worse than all that self-interest is of course what we will be staring at: a Senate in the long term controlled by the
coalition. Bring on the budget before last. Bring on Work Choices. Bring on the ideological agenda, because that is what you are trying to give us.

This discussion today has been about priorities. My second reading amendment to this bill highlights what is meant to be another priority. We have been through same-sex marriage. We have been through the government's priority for the ABCC. Here we will be dealing with the issues of political donations. I foreshadowed earlier that I would be moving a second reading amendment in relation to reforming political donation laws. Labor has a longstanding commitment to reforming political donation laws, although Senator Di Natale on the last occasion tried to pretend he had it tied up in our agreement. Fortunately, that agreement is in writing, and it is very clear what really was agreed. We know what went wrong last time. It was blocked in the Senate by the then Liberal opposition. But did Senator Di Natale then bring it back on the table in his discussions with the government on this deal? No. He just fell, barrelling straight down into the Senate reform process, and gained nothing else.

So we are not dealing with political donation reform, but then you need to wonder why. Senator Rhiannon has carriage of this area, and we know she talks with a forked tongue. We know that Bob Brown, when he was the leader of the Greens, accepted a whopping $1.7 million political donation from the founder of corporate travel company Wotif.com.

Senator Brandis: What is wrong with that?
Senator JACINTA COLLINS: Senator Brandis says, 'What is wrong with that?' Senator Rhiannon did not like it. She ghost-wrote about it. She had to criticise her own party on political donations—ghost-writing to criticise her own party. They talk with forked tongues on political donations, and on Senate reform the Greens have no credibility at all. They are like unripe tomatoes: green on the outside, red on the inside. Senator Rhiannon has control of this agenda, and she is gagging, with her leader, anyone who wants to argue anything to the contrary. I move:

At the end of the motion, add:

but the Senate is of the opinion that there is a need to reform Australia's political donation system by lowering the disclosure threshold, banning foreign donations, restricting anonymous donations and preventing donation splitting to avoid disclosure.

The PRESIDENT: It now being two o'clock, we now move to questions without notice.

MINISTERIAL ARRANGEMENTS

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:00): I advise the Senate that Senator Concetta Fierravanti-Wells will be absent from the chamber today, and in her absence I will take questions on the portfolio of International Development and the Pacific.

QUESTIONS WITHOUT NOTICE

Hospitals

Senator LINES (Western Australia) (14:00): My question is to the Minister representing the Minister for Health, Senator Nash. I refer to Professor Owler, President of the Australian Medical Association, who says that, as a result of the Abbott-Turnbull government's $57 billion cut to hospital funding, patients will face longer waiting lists for vital health care, and some may miss out altogether. Is the Australian Medical Association correct?
Senator NASH (New South Wales—Minister for Rural Health, Minister for Regional Development, Minister for Regional Communications and Deputy Leader of The Nationals) (14:00): No, I do not agree with the President of the AMA, Brian Owler, in this instance. Can I say it is this government that is actually investing in health better than the previous Labor government did, and I say that with a great sense of conviction, because indeed funding for hospitals is going to increase year on year over the forward estimates. That might be something those opposite have not been prepared to accept, but it has increased. Indeed, funding for public health increases by around 21.5 per cent, or $3.3 billion over the next four years. So, rather than going backwards, this government is taking health spending, in terms of hospitals, forward.

Can I say that in my home state of New South Wales we are seeing a total increase in funding of 22.7 per cent. I think in anybody's calculations that is an increase, not a decrease. On this side of the chamber, we, in a measured and responsible way, deal with the economic decisions that governments have to take, unlike those opposite, who believe in fairies at the bottom of the garden and who are happy to promise funding in the years down the track, on the never-never. It is 'fairies at the bottom of the garden' funding. This side of the chamber is going to make sure that we make sensible economic decisions, and funding for hospitals is increasing.

Senator LINES (Western Australia) (14:02): Mr President, I ask a supplementary question. I refer again to the Australian Medical Association, which says:

... Indigenous people will be some of the worst affected by these cuts.

If the Government is truly committed to closing the gap, then it needs to properly fund ... hospitals.

Is the Australian Medical Association correct?

Senator NASH (New South Wales—Minister for Rural Health, Minister for Regional Development, Minister for Regional Communications and Deputy Leader of The Nationals) (14:03): With the greatest respect, I do not agree with Mr Owler. He is, of course, entitled to his view, but I do not necessarily always agree with the positions that he puts forward. Firstly, as I have stated, funding to hospitals is going to increase, and that is a clear fact. When it comes to Indigenous health, I do not think there has been a government over a significant period of time that is more committed to Indigenous people and to Indigenous health funding—$3.3 billion over the next four years when it comes to primary health and, indeed, $1.4 billion to primary care across the community-controlled health organisations. That is a significant commitment, and I worked very closely with the sector to ensure that together we can improve health outcomes for Indigenous people.

Senator LINES (Western Australia) (14:04): Mr President, I ask a further supplementary question. I refer again to the Australian Medical Association, which says that as a result of these cuts patients will 'languish on elective surgery waiting lists for long periods' for 'procedures to deal with painful, disabling conditions, cancers, life-threatening conditions'. How many Australian patients will be worse off as a result of the Abbott-Turnbull government's $57 billion cuts to hospitals?

Senator NASH (New South Wales—Minister for Rural Health, Minister for Regional Development, Minister for Regional Communications and Deputy Leader of The Nationals) (14:04): I can only assume that those opposite were not prepared to listen to the answers I
have been giving to the questions. If the senator had been listening, she would have realised that funding to hospitals is increasing. So the premise of the senator's question is indeed incorrect.

This side of the chamber is absolutely committed to improving health outcomes for all Australians. We are going to do that through sensible economic management, making sure that we make decisions, when it comes to health, that are going to provide better health outcomes in a way that is sustainable for this country, unlike those opposite, who are quite happy to promise money on the never-never and have no policy cut-through and no thought-through policies when it comes to health—or any other area when it comes to that.

**Defence Procurement**

Senator Edwards (South Australia) (14:05): My question is to the Minister for Defence, Senator Payne. Will the minister inform the Senate why it is oh so necessary to replace the Royal Australian Navy's supply ships as quickly as possible?

Opposition senators interjecting—

The President: Order on my left! Senator Cameron! Senator Conroy! Order!

Honourable senators interjecting—

The President: On my right as well. Senator Edwards, you have asked your question. On my left.

Senator Payne (New South Wales—Minister for Defence) (14:06): The reason that it is necessary to replace the RAN's supply vessels as quickly as possible is that those opposite did nothing. As you are aware, Australia has two supply ships, HMAS Success and HMAS Sirius. Both are rapidly approaching their end of life. Sirius is a converted commercial tanker and it has a number of operational compromises. It is relatively slow, and there are constraints on the amount of solid cargo it can transfer at sea.

Success will next month see its 30th year of service. Because of its age it requires regular, costly maintenance to even keep it in service. So frequent are the maintenance requirements for the two vessels, there are times where both Sirius and Success are undergoing repairs at the same time and Australia relies on the Royal New Zealand Navy's HMNZS Endeavour.

Senator Lines interjecting—

The President: Senator Lines, you have asked the question.

Senator Payne: This is what is known as a 'capability gap'. As these ships age it is likely the amount of time they spend out of action will increase. These problems have been known about for years, but Labor did not even begin the necessary planning in government to replace them. Because of the need to replace them as soon as possible to avoid what would be a critical capability gap, in June 2014 the coalition government began a limited tender with two overseas shipbuilders to choose a proven design. Navantia has been selected as the preferred tenderer and negotiations have commenced with them.

Unlike those opposite, the Turnbull government is committed to ensuring our Navy is not left with a critical capability gap. You get a critical capability gap if you do nothing, and that is what Labor delivered us.
Senator EDWARDS (South Australia) (14:08): Mr President, I ask a supplementary question. Can the minister respond to claims last week that, when in government, it was 'confident' it could build supply vessels in Australia?

Senator PAYNE (New South Wales—Minister for Defence) (14:09): Thank you, Mr President. Those claims are myths, they are irresponsible, they are scaremongering and they are inaccurate. Any assertion that the supply ships contract will result in 3,000 or even 2,000 jobs is incorrect and inaccurate. Defence estimates that the jobs will be less than a fifth of that amount. No Australian shipyards currently have the capacity to build the replacement supply vessels, which are almost three times as large as the air warfare destroyers—three times as large.

Labor's own 2013 Future Submarine Industry Skills Plan states that Australian shipyards could not accommodate the build of the large supply vessels without significant infrastructure upgrades. Those upgrades actually had to have been completed by now to allow the replacement supply ships to be ready by 2021 and avoid a critical capability gap. Labor knew that. They said it in their 2013 white paper. (Time expired)

Senator EDWARDS (South Australia) (14:10): Mr President, I ask a further supplementary question. Given Labor's inaction, can the minister inform the Senate how the coalition will maximise Australian industry involvement in the supply vessel contract and future naval programs?

Senator PAYNE (New South Wales—Minister for Defence) (14:10): In relation to the supply ships we will, through negotiations with the preferred tenderer, secure in excess of over $100 million worth of Australian content. The government's IIP also includes a provision for other investment to bring these ships into service, like the infrastructure we require to port them and the training necessary for our Navy personnel to operate them. Each of these investments will offer Australian industry the opportunity to secure local defence contracts. Most of the sustainment work on the supply ships will also be done in Australia, providing millions of dollars in opportunities for local industry.

The Turnbull government has provided ongoing certainty for Australian industry, with our commitment to build the future frigates in Adelaide and to build the offshore patrol vessels in Australia. In fact, given that those opposite did absolutely nothing to place one single ship order with Australian shipbuilders in the entire tenure of their government, only this government can be trusted to deliver defence capability and to secure the naval shipbuilding industry.

Hospitals

Senator KETTER (Queensland) (14:11): My question is to the Minister representing the Minister for Health, Senator Nash. I refer to Professor Owler, President of the Australian Medical Association, who says that the Abbott-Turnbull government's decision to slash $57 billion from hospitals will translate to fewer services for patients and means that people will wait in emergency departments for unacceptable periods. Is the Australian Medical Association correct?

Senator NASH (New South Wales—Minister for Rural Health, Minister for Regional Development, Minister for Regional Communications and Deputy Leader of The Nationals)
I do think that that question sounds rather like the one that was previously asked of me, Mr President. But, with respect for the senator, I will answer that question again.

Firstly, the President of the AMA, Brian Owler, is entitled to his opinions, of course. I do not necessarily agree with him in all instances and I do not agree with him in this instance. The $57 billion that those opposite refer to was fanciful spending. It was never there. Those on the other side had never actually funded it. This crops up from time to time, but it had never actually been funded.

Those opposite might choose to ask the question again, and the answer will be exactly the same. This government is increasing funding to hospitals over the forward estimates. I will say that again, just in case those opposite did not catch it the first time: this government will be increasing funding to hospitals over the forward estimates—every single year. Indeed, when we look at all of the states they all increase. The total increase in annual funding, 2014-15 to 2018-19—those opposite might like to listen—increases in every single state and territory.

So rather than what those opposite claim—that there is a decrease in funding—we are increasing funding to hospitals, year-on-year. They, on the other side, have not funded any of their promises when it comes to health.

Senator KETTER (Queensland) (14:14): Mr President, I ask a supplementary question. I refer again to the Australian Medical Association, which says that as a result of these cuts, as hospital capacity shrinks doctors will not be able to get their patients into hospital or keep them there to receive the critical care they deserve. Is the Australian Medical Association correct?

Senator NASH (New South Wales—Minister for Rural Health, Minister for Regional Development, Minister for Regional Communications and Deputy Leader of The Nationals) (14:14): If the senator had listened to the answer to the first question he may have been able to slightly adjust his second question. There are no cuts. There are increases to the public hospital funding system over the forward estimates every year. As I have said, the President of the AMA is quite entitled to his opinion, but I disagree with the premise that the senator has put forward that there are cuts.

Senator KETTER (Queensland) (14:15): Mr President, I ask a further supplementary question. I refer again to the Australian Medical Association, which says that patients will suffer as a result of the Abbott-Turnbull governments’ cuts to hospitals. Who should Australians believe about the impact of these cuts: the organisation that represents the local GPs or this minister?

Senator NASH (New South Wales—Minister for Rural Health, Minister for Regional Development, Minister for Regional Communications and Deputy Leader of The Nationals) (14:15): My answer, quite obviously, is: this minister. Indeed, this government is making very sensible, measured decisions about funding not only related to health but right across all portfolio areas when it comes to a sustainable future for this country. We on this side of the chamber do not believe it is appropriate, like those opposite in the Labor Party do, to do policy on the run, to have ill-thought-through policy that is not costed and not funded. We actually do not think that that is appropriate. We think that responsible governments make economic decisions that are balanced and measured, and we will continue to do that. We will
also continue, as I have stated several times now, to increase hospital funding over the forward estimates every single year. We will continue to make those sensible decisions for the benefit of the Australian people.

DISTINGUISHED VISITORS

The PRESIDENT (14:16): I draw to the attention of honourable senators the presence in the President's gallery of former Senator Nettle. I wish her a warm welcome to the Senate.

Honourable senators: Hear, hear!

QUESTIONS WITHOUT NOTICE

Commonwealth Scientific and Industrial Research Organisation

Senator WHISH-WILSON (Tasmania) (14:16): My question is to the Minister representing the Minister for Industry, Innovation and Science, Senator Sinodinos. Australia has been globally condemned, including recently by the editorial of The New York Times, for our CSIRO cuts to Oceans and Atmosphere and our contribution to global climate science. It has also been revealed in recent Senate hearings that senior CSIRO executives have been deliberately using private email, rather than official CSIRO email addresses, to plan for and implement these cuts to climate science. Does the minister condone the use of private email, even though it is possibly in breach of the Archives Act and the Public Governance, Performance and Accountability Act? Does the minister accept that this is a really bad look for an organisation expected to uphold the highest levels of public scrutiny?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:17): I say first and foremost that there will be no net job cuts as a result of what the CSIRO is doing in this area. The idea that we should interfere with decisions by the board and the management of the CSIRO about what is the best disposition of resources is laughable in the extreme when the organisation has made it clear that it will continue to promote climate science and adaptation and mitigation measures through its research. So I reject entirely the premise of the question.

The PRESIDENT: Have you concluded your answer, Cabinet Secretary?

Senator SINODINOS: I have.

The PRESIDENT: Senator Whish-Wilson, supplementary question?

Senator Whish-Wilson: Mr President, I was on my feet to take a point of order. The question was actually whether the minister was aware that private email was used by CSIRO executives and that that was a potential contravention of those acts. He did not answer it.

The PRESIDENT: He has now concluded his answer, Senator Whish-Wilson, so do you have a supplementary question?

Senator WHISH-WILSON (Tasmania) (14:18): Mr President, I ask a supplementary question. Senator Sinodinos, will you be investigating the use of private email by CSIRO executives and whether there is a potential contravention of the Archives Act and the Public Governance, Performance and Accountability Act?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:19): Because I am a relatively happy-go-lucky bloke in this place I am always happy to take on any concerns that senators, including Senator Whish-Wilson, have and respond accordingly, but I reject the
premise of the question, which is interference by government in the resource allocation decisions of the CSIRO.

Senator WHISH-WILSON (Tasmania) (14:19): Mr President, I ask a further supplementary question. Was the minister aware of allegations that CSIRO senior management conducted a process using private emails, potentially in contravention of the Archives Act?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:19): I will check with the minister responsible about this particular matter. I have heard reports, but I will get back to you in due course.

Senator Kim Carr: On the public record?

Senator SINODINOS: On the public record.

Building and Construction Industry

Employment

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (14:20): My question is to the Minister for Employment, Senator Cash. Will the minister advise the Senate of the importance of a productive building and construction sector for Australian jobs?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:20): I thank Senator O'Sullivan for his question. Despite the laughter from those on the other side, this is a very serious question because the building and construction industry in Australia is our third largest employer. We should be congratulating them for that. One million Australians rely on the building and construction sector within Australia for their jobs. The sector is crucial to the Australian economy and clearly, employing that many people, it is important to the Australian people.

We do know that there are certain cultural problems within the sector that cannot be ignored. These were highlighted recently with the release of the Australian Bureau of Statistics rates of industrial dispute. For example, 68 per cent of all work days lost during the December 2015 quarter were in the building and construction sector—that is, 68 per cent. The ABS data also shows that in the December quarter the rate of industrial dispute in the construction sector was over nine times the all-industries average. Let me put that in perspective. In the building and construction sector 16.7 days were lost per 1,000 employees. Compare that to the average of 1.8 working days across all industries. So 16.7 days in the building and construction sector compared to 1.8 days in all other industries. We on this side are concerned about the impact of that on productivity, growth and, ultimately, jobs for all Australians. These statistics are, quite frankly, staggering when you think that is 900 per cent over and above the all-industries average. (Time expired)

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (14:22): Mr President, I ask a supplementary question. Can the minister advise the Senate of previous reviews or inquiries which have found in favour of tackling unlawfulness in the building and construction sector?
Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:22): Yes, I can. The Productivity Commission's Public infrastructure inquiry report of 2014 noted as follows:

... there is no doubt that local productivity has been adversely affected by union (and associated employer) conduct on some building sites, and that the ... ABCC is likely to have improved outcomes.

We had in 1992 the Gyles royal commission. In 2003, we had the Cole royal commission. Even the Wilcox review—and of course Murray Wilcox was the inquirer hand-picked by former Prime Minister Julia Gillard. Even Mr Wilcox found a case for an industry regulator. And then of course we have the Heydon royal commission.

On this side of the chamber, we are committed to jobs. We are committed to growth. We are committed to productivity. That is why we need to ensure that the rule of law is enforced within the building and construction industry.

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (14:23): Mr President, I ask a further supplementary question. Can the minister update the Senate on how many jobs have been created since the government came to office, right across Australia?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:23): Yes, I can. As further evidence that this government is fostering the best possible conditions for jobs growth since coming to office, I can advise that in excess of 420,000 more people are in work. If you look at the 12-month comparison of this government, three times as many jobs have been created compared to the final 12 months of the former Labor government, when the now Leader of the Opposition was the Minister for Workplace Relations.

This is a government that has a strong plan for jobs. We have a strong plan for growth—for example, our Innovation and Science Agenda, our record of delivering on free trade agreements and of course our commitment to funding Australia's infrastructure projects. What we need to know from those opposite, in particular in the light of the Leader of the Opposition's address to the Press Club today, is: are you going to rule out your job-killing carbon tax? It would appear that we are all going to go down that road yet again. (Time expired)

Marriage

Senator CAROL BROWN (Tasmania) (14:25): My question is to the Attorney-General, Senator Brandis. I refer to the Attorney-General's statement:

We will be going to the election promising a plebiscite before the end of the year.

Does the Attorney-General stand by that statement?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:25): Senator Brown, we are committed to having a plebiscite. We are committed to having this issue resolved by a plebiscite. And I might say, Senator, that that is the wish of the Australian people. You may or may not have seen an Essential poll which was published today which shows that 66 per cent of the Australian people agree with us that this matter ought to be decided by a plebiscite. That is the case across every voter group, by the way—in fact, slightly more Labor Party supporters than coalition supporters favour the resolution of the matter by plebiscite: 68 per
cent of Labor supporters and 67 per cent of coalition supporters. So, Senator Brown, we will be having a plebiscite. We will be having one as soon as possible after the election.

Senator CAROL BROWN (Tasmania) (14:26): Mr President, I ask a supplementary question. Is the Treasurer right, Senator Brandis, to say that voting will be compulsory in a plebiscite on marriage equality?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:26): This is a decision that all Australians should participate in.

Senator CAROL BROWN (Tasmania) (14:26): Mr President, I ask a second supplementary question. When will the government release its plan for a plebiscite on marriage equality? Will it be released before the election?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:26): As I thought I made clear to you, Senator Brown, we will be going to the election promising a plebiscite, a plebiscite that will be happening as soon as possible after the election, so that all Australians can have their say.

National Innovation and Science Agenda

Senator WILLIAMS (New South Wales) (14:27): My question is to the Minister for Regional Development, Senator Nash. Can the minister please update the Senate on how the coalition government is supporting innovation in rural, regional and remote Australia?

Senator NASH (New South Wales—Minister for Rural Health, Minister for Regional Development, Minister for Regional Communications and Deputy Leader of The Nationals) (14:27): I thank Senator Williams for his question. I think Senator Williams understands better than most the innovative and resilient nature of our rural and regional people. Be it the beef producers of the Northern Rivers, the horticulturalists of the Riverina or small businesses out there in the far west, Australian businesses have always had the 'have a go' mentality and have a record of being resilient and competitive in an ever-globalising economy.

That is why in December last year the Prime Minister announced the National Innovation and Science Agenda. The innovation agenda will help create the modern, dynamic, 21st-century economy that Australia needs and that those on this side of the chamber understand very well. The government announced 24 measures involving $1.1 billion of spending to create highly paid jobs and to help Australia compete globally. It will encourage every business across the country to be more innovative and entrepreneurial and to be prepared to take more risks.

Initiatives under this agenda include the Incubator Support Program, which will focus on regions and sectors of higher innovation potential and further fund regional universities. To make it easier for promising businesses to hire and retain top staff, we will make existing employee share scheme rules more user friendly. There are also new programs and support designed to boost innovative activity and help businesses, including regional businesses, to break into global markets.

This is complemented by the $30.8 million commitment in the agricultural competitiveness white paper, which has seen agricultural counsellors established in Vietnam, Malaysia and the Middle East. The Rural R&D for Profit program funds R&D projects which focus on...
delivering cutting-edge technologies. The coalition government are going to make sure that we look at all parts of the innovation sector to support rural and regional communities.

Senator WILLIAMS (New South Wales) (14:29): Mr President, I ask a supplementary question. I thank the minister. Can the minister please advise the Senate on how my state of New South Wales will benefit from the focus on innovation and how this focus in turn stimulates jobs and growth?

Senator NASH (New South Wales—Minister for Rural Health, Minister for Regional Development, Minister for Regional Communications and Deputy Leader of The Nationals) (14:29): As those on this side of the chamber in particular would know, regional Australia has a track record of innovation and the senator does not need to look too far from his own local community to see examples of this. Up in Inverell, businesses like Boss Engineering are forward-thinking and going from strength to strength. Boss recognises that building machines with the highest levels of accuracy is vital. Farmers have highly honed sowing practices—indeed, I know firsthand about that—and much of it is driven by the use of GPS—global positioning satellite. Bigger machines are sought by farmers who want to capture the best sowing window possible and it is great to see that Boss has planters up to 36 metres in width as part of their innovative future. Farmers who buy Boss planters use zero or no-till methods and invest in machinery that will give them the best results. This government is absolutely focused on supporting those local regional businesses having a go.

Senator WILLIAMS (New South Wales) (14:30): Mr President, I ask a final supplementary question. How does the coalition government’s focus on regional development help to foster greater innovation and growth in rural and regional and remote Australia?

Senator NASH (New South Wales—Minister for Rural Health, Minister for Regional Development, Minister for Regional Communications and Deputy Leader of The Nationals) (14:30): This government recognised that innovation is encouraged when foundations are there to allow small businesses and entrepreneurs to prosper. That is why we delivered on the National Innovation and Science Agenda, something we did not see from the other side. All government programs and policies have a role to play in triggering growth. That is why we have invested $100 million in round 1 of the mobile Black Spot Program that will deliver 499 new or upgraded base stations. We have already committed a further $60 million for round 2. How much did we see from those opposite when it came to mobile black spots? None, not one dollar. We are looking at Roads to Recovery, Bridges to Renewal and the National Stronger Regions Fund to deliver real outcomes for our rural and regional communities. On this side of the chamber, we know that government has to support rural and regional communities, not try and walk away from them, which is what we saw from those opposite. It is this government that will deliver for rural and regional communities.

Road Safety

Senator MUIR (Victoria) (14:32): My question is to the Minister representing the Minister for Infrastructure and Transport, Senator Nash. Probationary licence holders are tragically overrepresented in our road trauma statistics. The Keys 2 Drive learner driver program was designed to save lives amongst Australia’s youngest and most vulnerable drivers. Keys 2 Drive has so far provided more than 200,000 free lessons to both young Australian drivers and their parents or guardians and is helping reduce the rate of death and
injury on our roads. Is the minister aware that no government funding to the Keys 2 Drive program is allocated beyond 30 June 2016?

**Senator NASH** (New South Wales—Minister for Rural Health, Minister for Regional Development, Minister for Regional Communications and Deputy Leader of The Nationals) (14:32): I thank the senator for his question and for some advance notice of it. Indeed the Minister for Infrastructure and Transport is very well aware of this program as am I, and indeed the senator is correct in identifying that the current funding does cease on 30 June this year. However, we are currently considering the future of that funding in the context of the budget process.

I would note that when the coalition came to government in 2013, we extended the funding to Keys 2 Drive at that point, recognising the importance of that program. I think all of us in this place on both sides of the chamber would recognise how important it is that we do as much as we can across the country, not just as parliamentarians but as parents and as family members, to ensure that our young people are as safe as possible in their vehicles. We will be looking at this in the context of the budget.

I do acknowledge the senator's very real interest in this and reflect also that the Minister for Infrastructure and Transport has been well and truly on the record indicating his very real concern around road safety issues. Indeed, he had been doing that for some time prior to taking up his ministerial responsibilities.

**Senator MUIR** (Victoria) (14:34): Mr President, I ask a supplementary question. The Australian Automobile Association commissioned the University of New South Wales to conduct research which highlights that the Key 2 Drive program participants are 28 per cent less likely than non-trained drivers to be involved in a car crash in the first six months as a plate. Is the government aware of these findings or the associated savings that will result from the reduction in road trauma?

**Senator NASH** (New South Wales—Minister for Rural Health, Minister for Regional Development, Minister for Regional Communications and Deputy Leader of The Nationals) (14:34): The Minister for Infrastructure and Transport is aware of the report from the AAA as is the government more broadly. The findings are of great interest to the government while we are looking at future arrangements when it comes to the Keys 2 Drive program. The minister, as I understand it, has been working very closely with stakeholders and will of course be talking to the Australian Automobile Association about that report. I can only reiterate that this issue of safety for our young people on the roads is one that is absolutely paramount for this government.

As a mother, having had two young boys go through the process of getting their licence, I think we all, as I indicated before in this chamber, want to ensure that our young people are as safe as they possibly can be on our roads.

**Senator MUIR** (Victoria) (14:35): Mr President, I ask a final supplementary question. Given the fact that the Keys 2 Drive learner driver program has proven to be so effective in reducing road crashes and injuries amongst participants, will the government commit to the Keys 2 Drive learner program beyond June 30?

**Senator NASH** (New South Wales—Minister for Rural Health, Minister for Regional Development, Minister for Regional Communications and Deputy Leader of The Nationals)
I am sure the senator would be well aware that I cannot commit to government funding at this point in time today. When it comes to the budget processes, I think everybody around this chamber would be very well aware that I was not going to do this. But what I can commit to the senator is that the government will very thoroughly review this particular program.

Senator Cameron: You will have a look at it.

Senator NASH: I will take the senator's interjection of we 'will have a look at it'. We will do more than 'have a look at it', which is something those on the other side historically might have done. We will, in a thorough detailed manner, deliberate over the future of this program, recognising of course that the government has as paramount the need to take decisions that will ensure the safety of our young people on our roads.

Turnbull Government

Senator JACINTA COLLINS (Victoria) (14:36): My question is to the Minister representing the Prime Minister, Senator Brandis. I refer to former Liberal Premier Mr Kennett, who says that this government does not have a plan for the future of the country. Is Mr Kennett correct?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:37): No.

Senator JACINTA COLLINS (Victoria) (14:37): There is not even a fig leaf of a plan! Mr President, I ask a supplementary question. I refer again to Mr Kennett, who says that this government is trying to use this talk of a double dissolution—an early election—simply to cover up their own failings. Is Mr Kennett correct?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:37): Senator Collins, a lot of talk has been expended on when the election might be and whether or not there might be a double dissolution election, but no decision has been made. Mr Kennett is a private citizen and of course he is entitled to engage in all the commentary that he likes. But I can assure you of one thing, Senator Collins: when the election occurs there will be two very, very different visions for the future of Australia represented by the government and the party which you represent. We will be presenting a vision for the Australian people based on growth, prosperity and jobs. Growth, prosperity and jobs! Whereas, Senator Collins, all your side of politics have been able to come up with over the last year—throughout 2015, which was badged as the 'year of ideas'—are five new taxes. That is all you have been able to come up with—five new taxes! So we look forward to the election campaign very much, whenever it may be. (Time expired)

Senator JACINTA COLLINS (Victoria) (14:39): Mr President, I ask a further supplementary question. I refer again to Mr Kennett, who says that Mr Turnbull took over the leadership for one reason only, and for one reason above all else, and that is his own self-interest. How can Australians trust a leader who puts his own self-interest first and the interests of all Australians last?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:39): I must say, Senator Collins, even by the standards of political combat in this chamber that is a very mean-spirited question, because there are very few people in public affairs in this country who have
contributed more than Mr Malcolm Turnbull over a very long life. There are very few like Mr Turnbull who, before he embarked on a political career—a parliamentary career—contributed significantly in the 1990s as the leader of the Australian Republican movement, whose family has contributed vastly as personal philanthropists to a variety of charitable causes and who could have lived out a very comfortable life without committing himself to public life but has chosen to do so.

We will be inviting the Australian people to compare Mr Malcolm Turnbull—the quality of the person that he is—to your leader, Mr Bill Shorten. *(Time expired)*

**National Innovation and Science Agenda**

**Senator LINDGREN** (Queensland) (14:40): My question is to the Minister for Education and Training. Can the minister advise the Senate how the government's National Innovation and Science Agenda and university research policy will better align research institutions and business to seize economic opportunities that lead to innovative jobs for Australia's future?

**Senator BIRMINGHAM** (South Australia—Minister for Education and Training) (14:41): I thank the senator for her question. Australia has a very long and proud history of outstanding success in relation to research and innovation, and that is a history we want to build upon. Just very recently we had one of the discoveries of the century, almost 100 years to the day from the pronouncement of the general theory of relativity. Here at Parliament House, represented by Senator Seselja, Australian researchers, collaborating with a large international group, helped them in their work to observe gravitational waves. It proved a theory that even Einstein had thought impossible. It is a proud record that builds on the likes of Howard Florey's discovery of penicillin—he was from my own home town; the black box flight recorder; dual-flush toilets; and wi-fi, to name but a few of our many accomplishments over the years.

The National Science and Innovation Agenda of this government seeks to build on that legacy: to put universities front and centre in terms of the drive for stronger collaboration between industry and the research sector and to rebalance, as it is, research-block-grant incentives with additional funding of $127 million to help those universities transition to a new arrangement of greater collaboration.

There is much ground-breaking research underway in our universities, such as new farming techniques that will give us a competitive edge in the increasingly-globalised food production chain. There is new research by Monash University, developing a new method for measuring blood pressure—something that could come in handy occasionally in this chamber! It may revolutionise the medical-monitoring landscape.

We should aspire to live in a country where our scientists and researchers are as celebrated and recognised as our sportswomen and sportsmen. That is what is at the heart of our innovation agenda, to ensure that their recognition is supported and their collaboration with business is supported to give the best jobs and growth outcomes for Australia.

**Senator LINDGREN** (Queensland) (14:43): Mr President, I ask a supplementary question. Will the minister update the Senate on how the government has responded to calls from researchers and businesses to provide a framework around commercialising university research?
Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:43): Australia has great ingenuity and great accomplishments in our research. As the Chief Scientist himself has said, we do need to ensure that we realise a greater share of economic benefits from our research breakthroughs.

The Innovation and Science Agenda is providing an additional $1.1 billion over the forward estimates through the entire life cycle of innovation, and it puts universities at the centre of the economic transformation the Australian economy needs to undertake. That is why, as I said, we are re-balancing the incentives in research block grants in line with the findings of the Watt review. We equally recognise the importance of pure research and its critical relationship, so what we are working to do is to get the balance right—to ensure that all Australians can share in the economic benefits of the research that they fund through their tax dollars. That is why we are developing a new impact measure around research. (Time expired)

Senator LINDGREN (Queensland) (14:44): Mr President, I ask a further supplementary question. Can the minister update the Senate on how our commercialisation agenda has been received and on whether there are any viable alternatives?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:44): I can say that it has been very positively received. But the innovation and science agenda is of course, though, just the start of our government's journey. We want to make sure that we build on the investment of $9.7 billion this year alone in science and research and that we give certainty to our research infrastructure. We have given that certainty—decade-long certainty—to research infrastructure through the NCRIS, which those opposite left funding cliffs for. That is giving secure employment to 1,700 highly skilled technical and research staff and supporting 35,000 researchers in their work.

But it is focusing not just on research also about investment. We are providing under the innovation agenda 10-year exemptions under capital gains tax for investors in innovative start-ups. That compares with those opposite, who want to increase capital gains tax paid by those who are investing in Australia—a clear contrast on this side, with a plan to drive down taxes and create more jobs through more investment as against those opposite, who want to do the exact opposite. (Time expired)

Australia Council

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (14:45): My question is to the Minister representing the Prime Minister, Senator Brandis. Does the Prime Minister agree with one of Australia's most respected arts administrators, Mr Michael Lynch, who said that the decision to slash $104.7 million from the Australia Council to start a ministerial slush fund was 'a disgrace to the present government'?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:46): Senator Bilyk, I have not seen those remarks, so I cannot really comment on them. And I will leave commentary on arts policy to my colleague and friend Senator Fifield.

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (14:46): Mr President, I ask a supplementary question. Does the Prime Minister agree with Mr Lynch
when he said that the decision to slash the funding of the Australia Council was 'one of the worst pieces of bad administration I have seen in almost 40 years of working in this sector'?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:47): Senator Bilyk, as I said to you in answer to your primary question, I am unfamiliar with Mr Lynch's remarks and I am unfamiliar with Mr Lynch. I know that there are a variety of views expressed—sometimes very strenuously expressed—by participants in the arts sector. But you are asking me to comment on to acquaint you with the Prime Minister's thoughts on some remarks with which I am not familiar.

Senator Wong: Mr President, I seek leave to assist the Minister representing the Prime Minister with the last question to table the Financial Review article that this question refers to in which Mr Lynch makes the comments in question.

Leave not granted.

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (14:47): Somehow I am not surprised. Mr President, I ask a further supplementary question. Will the Prime Minister now act upon Mr Lynch's call to restore the funding to the Australia Council?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:48): Senator Bilyk, I do think that this question really ought to have been directed to the minister with responsibility, Senator Fifield. As I have said to you twice now, I am not familiar with Mr Lynch and I am not familiar with this remarks.

Senator Wong: They are in front of you.

Senator BRANDIS: Your leader has been kind enough to pass across the table to me an extract from the Financial Review. As I said to you, there are a variety of views held—sometimes passionately held—within this sector.

National Innovation and Science Agenda

Senator REYNOLDS (Western Australia) (14:48): My question is to the Cabinet Secretary, Senator Sinodinos, representing the Minister for Industry, Innovation and Science. Can the Cabinet Secretary update the Senate on Landing Pad, the Australian government's initiative recently launched by the Minister for Industry, Innovation and Science?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:48): I thank Senator Reynolds for her question and her ongoing passion and commitment to innovation, particularly in her home state of Western Australia. I can inform the Senate that, yes, the Minister for Industry, Innovation and Science recently launched the Landing Pad initiative. It is part of our National Innovation and Science Agenda to drive a new boom to generate jobs and prosperity for all, as mentioned by our leader in this place earlier on.

The agenda commenced with $1.1 billion of funding initiatives to support Australian start-ups and innovators.

Opposition senators interjecting—

Senator SINODINOS: You like more money. There is more money here—$1.1 billion. What are you complaining about? But that was a down payment on what this government
wants to achieve with the ideas boom. We need to focus on innovation, turning ideas into successful products, processes and services.

The next step, recently launched, is the Landing Pad. Along with the Minister for Trade and Investment, the Assistant Minister for Innovation and the Special Envoy for Trade, the minister unveiled Landing Pad at RocketSpace, a technology campus in San Francisco. The Landing Pad is designed to help Australian entrepreneurs bring their ideas to market and build high-growth and high-return enterprises. Silicon Valley, in San Francisco, is the epicentre of global innovation and, with the Landing Pad, the Australian government is helping ensure Australian innovators have a place at the centre of the action. By positioning Landing Pad with RocketSpace, the Australian government is partnering with a proven performer.

Senator REYNOLDS (Western Australia) (14:50): Mr President, I ask a supplementary question. Will the Cabinet Secretary explain other similar initiatives the Australian government is supporting around the world?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:50): San Francisco is not the only place that Australia wants our innovators working on world-leading ideas. Israel has proven itself to be a leader in innovation. That is why Australia will also have a Landing Pad in Tel Aviv. Further, the Australian government has allocated $11.2 million in the budget for Austrade to launch three further Landing Pads around the world. The location of these additional Landing Pads will be decided and announced in due course. My colleague, the Treasurer, recently announced in Shanghai that that was being considered for a Landing Pad, and we are looking at other locations in Asia and in Europe.

So the ideas boom will not be limited to Australia. Global collaboration in innovation will be crucial to our success in this space. Ensuring our innovators are connected and competitive in the world will be key to our success.

Senator Cameron: Joe Hockey got a landing pad, didn't he?

Senator SINODINOS: Yes, Mr Hockey, as ambassador in Washington, is already making his mark in the innovation space, advocating for Australian companies in the United States. (Time expired)

Senator REYNOLDS (Western Australia) (14:52): Mr President, I ask a further supplementary question. Can the Cabinet Secretary also outline for the Senate other ways in which the government is supporting Australian inventors?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:52): Landing pads are just one component of our investment in innovation—as I said before, $1.1 billion with four pillars. There are four pillars to the innovation agenda. Culture and capital: we will change Australia's innovation culture by encouraging people to learn from mistakes and experiment to find solutions. Australia will invest more in high-risk early stage firms. Rather than increasing capital gains taxes, we are reducing them for early stage investors and angel investors. We are making it easier to invest in the future. Collaboration: we will increase the level of collaboration between industry and research because it drives world-first innovation. Talent and skills: we will continue to develop and attract world-class talent and equip our workforce for the jobs of the future. Government will be an exemplar. The government will lead by example through digital transformation, investment in digital infrastructure and the encouragement of more innovative public procurement. Active government—
Opposition senators interjecting—

Senator SINODINOS: You should support that— (Time expired)

Education Funding

Senator DASTYARI (New South Wales) (14:53): My question is to the Minister for Education and Training, Senator Birmingham. I refer to a statement made last year by the incoming secretary of the education department, Dr Michele Bruniges:

To those who say Australia has poured money into education with little to show for it, let me say the evidence is clear that levels of investment in this country have lagged behind other countries …

Is this statement correct?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:54): It is the case that Australia provides above average funding for schools. I am pleased to inform Senator Dastyari that when you consider both public and private investment in school education we have above average funding compared with the rest of the OECD. But what Senator Dastyari and others seem to focus on is a false view that funding equals outcomes. Funding is an input. Of course, the Labor Party have an attitude where they believe that more money is the solution to everything. More money is not the solution to everything.

What we know, just from the most recent NAPLAN data that is out, is that some of those schools who increased their performance in that NAPLAN data had significant growth in funding, but an almost equal number of schools who did so well in increasing their performance had a reduction in their funding. So you can see that what actually happens on the ground matters far more than the amount of inputs going in. It is about the quality of the teachers, the content of the curriculum, and the teaching practices and pedagogies that are applied. These are the things that our government has rightly focused on. We know that funding is important but we know that how you use it matters more.

We know that school funding in Australia is at a record level at present. Yet our results in terms of international comparison and real performance in literacy and numeracy have gone backwards despite record funding increase. So perhaps we should ask the question at present: what more can we do to spend that money better? How can we spend that money better and more wisely to get a better outcome? How can we ensure that children are benefiting from the record investment in funding going into schools rather than simply doing what those opposite propose, which is putting ever more money in without ever asking the question: how do you make sure you get the best results for students?— (Time expired)

Senator DASTYARI (New South Wales) (14:56): Mr President, I ask a supplementary question. I again refer to Dr Bruniges, who said last year that:

… schools are reporting that they are seeing improvements in student outcomes – not just in learning but in better social and emotional outcomes … We have been able to do this because of the additional funding delivered through the Gonski agreement.

Minister, is this statement correct?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:56): If Senator Dastyari had listened to my first answer, he would have heard me say that some schools are doing much better. Equally, some schools are getting record funding but their performance is slipping. What the evidence of the NAPLAN results released most
recently demonstrates, and almost every other analysis that is undertaken, is that it is how you use the funding that matters most, and that is what we need to focus on.

That is why last Friday I was pleased to be speaking to a group of highly accomplished lead teachers because we are supporting the professional development of teachers, the development of their expertise and the development of leadership in schools. Those capabilities allow them to use the record funding that is available in the most effective way possible. That is what we should be doing across the board in our education debate. You seem completely fixated on the inputs. We on this side care about student outcomes.

Senator DASTYARI (New South Wales) (14:57): Mr President, I ask a further supplementary question. Minister, why won't the Turnbull government join with Labor and commit to funding the Gonski school reforms on time and in full to ensure that every child can reach their full capacity?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:58): Senator Dastyari needs to recognise and realise that we have record levels of investment in Australian schools at present and that the Commonwealth's contribution to that investment is at the highest level ever, and yet we have seen—as I said in the previous answers—performance slipping. That is why we are asking the question of how you can boost performance.

Those opposite have plans where they promise they are going to put much more money in than we are proposing to put in. I acknowledge that. Everybody is committed to a trajectory of growth for school funding, but those opposite want to spend sums of money that they do not know how they will pay for. As the South Australian Labor Premier has said, ‘They have no coherent plan to pay for their promises.’ Others, of course, have identified that their funding measures simply worsen the structural deficit over time. That only leaves a worse legacy for those students in our school system, who will inherit higher taxes or greater debt because of the promises of those opposite.

Northern Australia

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (14:59): My question is to the Minister for Northern Australia, Senator Canavan. Will the minister please update the Senate on progress with delivery of the Northern Australia package?

Senator CANAVAN (Queensland—Minister for Northern Australia) (14:59): I thank the senator for his question and acknowledge his longstanding interest in the development of the north of his state, Western Australia, and his wider contribution to our northern Australia agenda. That agenda is a key part of our government's economic plan to build on the strengths of this nation and the strong economy we already have, and make sure we can continue to grow that and deliver prosperity for our future. Already, the north of Australia contributes significantly to that strong economy.

A recently completed Infrastructure Australia audit of the infrastructure across the north found that in financial year 2013 each employee in northern Australia contributes $369,000 a year to our economic output, almost double the contribution across Australia of $185,000 per employee. It is already a strong part of our country, but it is a part of our country that is going through a transition and some difficult times with a mining downturn, and that is why our agenda to develop the north is incredibly important and incredibly timely.
That agenda includes $1.2 billion worth of investments, over 50 different policies and the establishment of a concessional interest loan facility of $5 billion. Already, we have successfully implemented 12 of those 50 measures, including a northern Australia tourism initiative that was delivered a couple of weeks ago to provide more business advice to the tourism sector across the north—something that will be incredibly important as we move away from the mining boom. We have taken 20 proposals for pilot land tenure reforms from Indigenous groups—and I know that is something close to Senator Smith's heart. We have conducted 13 different consultations on the CRC that we will be developing for the north. Last week, I had the pleasure of being in Darwin for our third and final Beef Roads forum. We have a significant agenda for the north of Australia, which will help our entire country.

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (15:01): Mr President, I ask a supplementary question. Will the minister update the Senate on the progress of the Northern Australia Beef Roads program?

Senator CANAVAN (Queensland—Minister for Northern Australia) (15:01): I would be glad to. As I mentioned, I was in Darwin last week for our third and final Beef Roads forum. I have also previously attended one in Rockhampton and we had a second forum in Kununurra late last year. The Beef Roads program is incredibly important for our beef industry, an incredibly important industry for our country but also a very important one for the north specifically. Up to a third of the cost of livestock can be accounted for in transport costs, particularly those from the north of our country given their distance from markets. Currently, the cost of transporting cattle across Australia is estimated at $262 million and that can be as high as almost $500 million when you account for return trips. We have to bring down those costs if we are going to have a strong beef sector and that is why we are investing $100 million to do so across our north in Beef Roads.

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (15:02): Mr President, I ask a further supplementary question. Will the minister provide an example of how the Beef Roads program could reduce transport costs?

Senator CANAVAN (Queensland—Minister for Northern Australia) (15:02): The Beef Roads program, I am very excited to say, is an innovative way of delivering these investments. We have used the CSIRO to investigate how different investments across our country can bring down costs for the beef sector. The CSIRO have now looked at 60 different projects that have been put forward by industry and some of those projects would see costs reduce by $5 a head. One of those projects is very close to my heart, which is an investment at Rockhampton to remove the current requirement to decouple trucks at Gracemere. A couple of years ago, as some senators would know, there was a tragic incident at Gracemere where Bryson Mayne was killed while cross-loading cattle. This investment alone will save $700,000 a year and, more importantly, improve safety at Gracemere, and help avoid tragic incidents like that in the future.

Senator Brandis: Mr President, I ask that further questions be placed on the Notice Paper.
QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Commonwealth Scientific and Industrial Research Organisation

Senator SINODINOS (New South Wales—Cabinet Secretary) (15:03): I want to add to an answer to a question from Senator Whish-Wilson about the CSIRO. As an independent agency, the board and the management are responsible for internal operational matters. In relation to CSIRO's record-keeping obligations, the Archives Act and the Freedom of Information Act apply to emails where personal email addresses are used. The CSIRO are ensuring that any emails falling within this scope are collected and incorporated appropriately into the CSIRO's record-keeping system so that they can be accessed by CSIRO. An initial assessment by CSIRO's legal function indicates use of personal emails would not breach the Crimes Act as no information was disclosed to any third parties.

Senator Kim Carr: The Crimes Act? It is not the Crimes Act; it is another act. That is really quite shifty. That is a very shifty answer.

The DEPUTY PRESIDENT: Order!

MINISTERIAL STATEMENTS

Fair Work Commission

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (15:04): I seek leave to make a short statement in relation to the tabling of the report from the Hon. Peter Heerey.

Leave granted.

Senator CASH: On 19 October 2015, I appointed former Federal Judge, the Hon. Peter Heerey AM QC, to undertake an independent investigation into complaints about former Fair Work Commission vice-president Michael Lawler and related matters.

On 25 February 2016, I informed the Senate that I had received Mr Heerey's report and that, before providing further information to the parliament, I would first afford vice-president Lawler an opportunity to consider it and respond. I set the date of 4 March 2016 for Mr Lawler to provide to me any response to the report.

On 3 March 2016, I was advised that vice-president Lawler had resigned his office to the Governor General earlier that day. I accordingly advised the Senate.

Mr Heerey has provided me with a considered report that addresses all of the matters referred to in the terms of reference. I would like to place on the record my appreciation to Mr Heerey for his work in conducting the inquiry and preparing the report.

I am conscious of the public interest in the outcome of Mr Heerey's inquiry. The public interest in disclosure of reports must of course be balanced against the public interest in maintaining appropriate rights to privacy, especially when the latter relates to sensitive medical and health information.

Accordingly, the version of the report that I am tabling today redacts sensitive personal medical information. It also redacts information that would identify third parties who were not the subject of Mr Heerey's terms of reference.
No other redactions have been made, as I consider the material in the report is directly relevant to the terms of reference and that it is in the public interest for this material to be released.

I table the report of the Hon. Peter Heerey AM QC.

**Senator Wong** (South Australia—Leader of the Opposition in the Senate) (15:06): If I could just get some clarification. If senators want the opportunity to speak on that report, when will the government enable that to occur?

**Senator Brandis** (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (15:06): We will ensure that arrangements are made to facilitate that occurring.

**ANSWERS TO QUESTIONS ON NOTICE**

**Question Nos 2876 and 2820**

**Senator Wong** (South Australia—Leader of the Opposition in the Senate) (15:07): Pursuant to standing order 74(5), I seek an explanation from the Minister representing the Prime Minister, Senator Brandis, as to why question No. 2876, which I placed on notice on 16 December 2015, remains unanswered.

Pursuant to the same standing order, I also seek an explanation from the Minister for the Arts, Senator Fifield, as to why question No. 2820, which I placed on notice on 16 December 2015, remains unanswered.

**Senator Brandis** (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (15:08): Question No. 2879—

The DEPUTY PRESIDENT: I think it was 2876.

Senator Brandis: Senator, I will pursue that with my office and get a response to you.

The DEPUTY PRESIDENT: I think it was question No. 2876. That is what I wrote down.

**Senator Fifield** (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (15:08): I thank Senator Wong for the courtesy of advising my office that she would be raising this matter. I am advised that the question was originally asked of the Minister representing the Treasurer on 16 December 2015 and was subsequently transferred to my department. The response is currently being finalised. I think it should be a straightforward matter to conclude it, and I will ensure that Senator Wong has the answer in the next day or two.

**Senator Brandis** (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (15:09): Might I add to my response to Senator Wong. Question Nos 2879 and 2876 are in substantially identical terms, hence the confusion. In each case, the questions ask for very detailed data about Freedom of Information Act requests across two years. The questions in their parts and subparts constitute 17 different inquiries in each of those two years. So a very extensive body of work is required to respond to those questions.

As I said earlier, I will pursue the matter with my department but the short answer to your question, Senator Wong, is that the extensiveness and scope of the question is very great. For that reason, you do not have a response yet.
Senator WONG (South Australia—Leader of the Opposition in the Senate) (15:10): I move:

That the Senate take note of the answers given by Senators Brandis and Fifield.

I will do this sequentially if it is convenient to the chamber. In relation to the first question, this is a request in relation to various requests made freedom of information. It was asked in December last year. It was asked—I think this might be the basis of the confusion—of a number of ministries, and the question that I asked Senator Brandis on notice that I wanted to follow up was the one asked of him in his capacity representing the Prime Minister. I note the minister's answer and I say that this is an unacceptable response to the Senate for the Prime Minister to fail to answer this question.

My question went to the government's performance on freedom of information. Freedom of information legislation has been a part of our system of accountability for many years. Changes were debated in this chamber under the previous government. It is an avenue of accountability which plays a critical role in our democracy. Freedom of information is one of the mechanisms which ensure that governments remain accountable, transparent, open and honest with the public. It is also an important mechanism for members of parliament to utilise in scrutinising the actions of executive government. Notwithstanding that—and obviously the opposition has an interest in making sure that avenues of accountability are open to us—I also remind the chamber that this is an important mechanism for ordinary citizens to utilise because, of course, under the Freedom of Information Act any citizen can lodge a request with any government department, agency or minister. Those requests can seek information and documents held by those agencies of executive government. So, as I said, it is an important accountability mechanism.

The starting point of the act is that it grants members of the public a right to have access to information held by the government—that is, their government. Of course, the spirit of the FOI Act and the starting point can be frustrated if government agencies or ministers' offices do not comply with both the letter and the spirit of freedom of information legislation, but it can be frustrated also if the decision making process is delayed, and it can be further frustrated if decision makers refuse to grant access to information on spurious grounds.

One of the measures of a government's commitment to accountability and transparency is its attitude to and its performance when it comes to how it deals with FOI requests. I regret to say that this government has demonstrated a real antagonism towards FOI since coming to government. It is a government that is very fond of secrecy, a government which is often not honest with the Australian public and a government which, we have clearly seen, breaks its election promises. It is a government which does not respect the Senate as a chamber of the parliament but treats it as some sort of block on executive government being able to do whatever it likes whenever it likes. We have seen a lot of that over the last few years—the government's failure to negotiate, its refusal to actually deal with the crossbench in a sensible way. We also saw it highlighted today when the government voted with the Greens to gag and block debate on the legislative program.

The government's lack of respect for the principles of transparency, openness and accountability has, I think, been demonstrated, and that makes it even more important that we scrutinise the government's freedom of information performance. That is in part why I put my questions to the Prime Minister, through Senator Brandis, last year. Those questions go to
statistics from the Prime Minister. They ask how many FOI requests have been received by his office and his department.

One would have thought that is not a hard question to answer. I note Senator Brandis's comments that this is a very complex, very big, very lengthy question. Well, departments keep FOI statistics, and, if Senator Brandis went back to his office and he asked the Attorney-General's Department for statistics on FOI requests to date, I suspect it would not take him very long at all to provide them. There is really no valid reason for the Prime Minister being unable to answer this question some three months after it was asked.

My question also went to the issue of delays in responding to a freedom-of-information request. The act requires departments and agencies to acknowledge those requests within 14 days and to make decisions within 30 days. Failing to meet these time lines is a breach of the act. These are statutory obligations. I regret to say that, on occasions, what has been clear from Senate estimates is that sometimes it appears those statutory obligations are seen as less obligatory than they ought to be. My question asked how many FOI requests to the Prime Minister, his office and his department were not acknowledged within the time frame required under the legislation and how many were not decided within the time frame required under the legislation. The question simply is: how many times have you not complied with the law? I would have thought the Prime Minister's department ought to be able to answer that. This goes to whether his department and his office are compliant with the law of the land when it comes to freedom of information. Does the Prime Minister not know? Do Prime Minister and Cabinet not know whether or not they are complying with the law or do they simply not want the information released?

The question also went to other matters. It went to the number of cases where the Prime Minister's office or department sought an extension of time for making decisions, the number of cases which were subject to internal review and the number of decisions which are subject to reviews by the Australian Information Commissioner, the Ombudsman or the AAT. Whilst I note Senator Brandis's assertion that this is a lengthy question, I make this point: these are statistics that departments would keep. What is frankly open to conclude on the basis of the failure to answer is that the Prime Minister and his department are running a go-slow on responding to these questions. It is a little ironic, actually: questions about the government's frustration of people's legal rights under the FOI legislation are met by delay and obfuscation.

I had hoped—to be completely open with the Senate—that the change of Prime Minister from Mr Abbott to Mr Turnbull might see a different approach when it came to freedom of information. Yet regrettably to date that has not been the case, although I would note that I think I am now getting responses from Prime Minister and Cabinet which actually have names at the bottom as opposed to FOI officers, so I suppose that is a good thing. This goes fundamentally to public accountability. We know that the government of the day is accountable to the Australian people through the parliament. Too often we see this government treating this parliament and this Senate with contempt. We see senators asking questions on behalf of the public in question time and we see stonewalling and blustering on the other side. We see senators seeking information through questions in writing, and yet ministers fail to respond within the time limits set by the Senate, and, when they do, frankly, often we see obfuscation, evasion and outright deception. I am often reminded of the former Prime Minister Mr Abbott's promise before the last election: 'We will restore accountability
and improve transparency.' I think that was yet another broken promise, and regrettably it appears to be a broken promise that is being continued under Mr Turnbull. I say to the government: do not have a contemptuous approach to accountability. Please, I would like a response on the freedom-of-information statistics that we have requested.

In relation to Senator Fifield's answer, which I also am taking note of, I want to go to this because I find it quite remarkable that it has not been provided to date, given that we are in March. The question I asked was to get more information in relation to a measure in the Mid-Year Economic and Fiscal Outlook. The Communications and Arts portfolio had a measure in the MYEFO described as 'efficiencies', with a cut of $52.5 million over four years. I asked where it was coming from. That is a pretty simple question. I know, as someone who has participated in putting together a budget, that this is the sort of information that grounds the costing of any measure. One would have thought that that would not have been a difficult question to answer.

In addition, I asked what, since September 2013, the total cuts were that the government had imposed on cultural and collecting institutions. Whilst I appreciate Senator Fifield's courtesy in how he responded to my request that he explain the delay in answering this question, I do not accept that it should take three months to answer a straightforward question about a measure in the MYEFO. I do not accept that. If you have got $52½ million worth of savings out of the cultural and collecting institutions, you ought to be able to tell the Senate pretty quickly which ones are contributing to that savings measure—where are the cuts coming from? As I said, those are details which would have been part of the decision-making process in the budget, because that is how Finance would have done the costing. Again, page 152 of the MYEFO says:
The Government will achieve savings of $52.5 million over four years from 2015-16 within the Communications and the Arts portfolio, including:

- $36.8 million from cultural and collecting entities within the Arts portfolio, except for the Australia Council. … ;
- $9.6 million through a number of arts programmes, including the cessation of the Book Council of Australia; and
- $6.0 million from the Department of Communications and the Arts by implementing ongoing efficiencies.

As I said, this is not a complicated question. It goes directly to a measure in the MYEFO.

I am told that the Treasurer transferred this question to the Minister for the Arts on 6 January 2016. The question, which was originally asked in December, was transferred by the Treasurer to the Minister for the Arts. I have to say that I did find it somewhat remarkable that the Treasurer had transferred responsibility for this question to the Minister for the Arts. I would have thought that this is a fairly routine question on a budget matter that the Treasurer ought to have been able to answer. I assume that the Minister for the Arts offered these cuts up to the Expenditure Review Committee. If he did, presumably he can tell us pretty quickly which bodies would be affected. He also ought to tell the Senate the extent to which Mr Abbott and Mr Turnbull have cut the arts since coming to office in 2013.

Senator Brandis interjecting—
Senator WONG: I will take the interjection from the Leader of the Government in the Senate. The assertion is, 'We haven't cut the arts.' Now he is saying to us, 'It is just a reallocation of funding.' It is good, isn’t it. A cut is not a cut if it is reallocating funding. If that is the case, I look forward to the answer which explains that. I know that Senator Fifield has only more recently become the Minister for the Arts, taking over of course, from Senator Brandis, who famously cut funding from the Australia Council.

Senator Brandis interjecting—

Senator WONG: Yes, he concedes that, but he makes the point that it was given to his department. Actually, it was given to him. Wasn’t this the private slush fund, Senator Brandis, from memory?

Opposition senators interjecting—

The DEPUTY PRESIDENT: If senators could make their remarks through the chair.

Senator WONG: It seemed to be the way in which the arts community took it. I will stay on track, Mr Deputy President. The reality is on arts funding, people were justifiably outraged by the cuts to the Australia Council and to the arts budget in the Abbott government's 2015-16 budget. This was on the back of cuts to the arts in the 2014-15 budget, including in my home state of South Australia. As I said, people famously will recall that $104.7 million was cut from the independent Australia Council by Senator Brandis and transferred to his own department. This is the infamous Brandis slush fund—I did not say 'Senator Brandis slush fund', because it is described as the 'infamous Brandis slush fund.' I suppose it is a direct quote.

I would again assert in here that the decision by Senator Brandis and this government to take direct control of arts funding contradicted the principles which were set in place decades ago by the Whitlam government to protect artistic freedom in Australia by keeping arts funding decisions at arm's length from the government of the day. The attacks on the independence of arts funding and the reversion of control to the central decision-making process occurred under the people who most profess to be exponents of individual freedom and freedom of speech. That is the extraordinary thing. The Labor Party thinks that there should be separation from the government of the day in the funding of the arts by giving it to an independent body, but the Liberal Party wants to make sure that it is made by politicians. It wants the decision about artistic expression, about who funds that and how that is funded, to be made by politicians.

One also recalls that Senator Brandis sought to—I think it was in 2013 or it might have been in 2014—amend the Australia Council Act to make funding decisions subject to ministerial direction. He was defeated in time, and that time he found a way to achieve it through the slush fund that I have described.

Senator Brandis interjecting—

Senator WONG: Senator Brandis says that I am not correct. If you answer the question, then we can debate the answer at some point. You can talk about arts fund. We are very happy. You could stay here for the taking note, because I suspect that people might want to talk about arts if you want to. In any event, the reality is that we have seen a government that has sought to reduce the grant-making facility of the Australia Council, that has created a slush fund and that has imposed cuts on the sector. And it is now refusing to answer
questions, although I know Senator Fifield will provide it soon now that I have raised it again. He has thus far been refusing to answer questions in relation to this.

As a result of the government’s decisions, the Australia Council was forced to announce that it would not proceed with the next round of arts funding grants that it scrapped—various programs and suspended funding for some organisations. A number of the programs which were affected were targeting small to medium-sized arts companies and young artists. I regret to say that, when it comes to the arts portfolio, the politically-motivated decisions by Senator Brandis and this government have diminished Australia’s creative and cultural life.

We know that this is the same modus operandi as we see from Liberals across the country. One might recall the Newman government took an even harsher approach, a similar political approach, when it was in power, and this most recent attack by the government on the Australia Council comes on top of significant cuts to the arts in last year’s budget. It is unsurprising that people are concerned, and it is important that Senator Fifield be clear with the Senate both about the MYEFO measure, but also about the cuts since 2013.

We calculated you have about $100 million worth of cuts in the 2014 budget, including $37 million from the national cultural institutions: $25 million from Screen Australia and a further cut of around $13.2 million from the Australia Council, Screen Australia and the Ministry for the Arts in the 2015 budget, and then of course just under $105 million ripped from the Australia Council to fund Senator Brandis’s slush fund. After three years in power, you would have to say that this government has one of the worst track records when it comes to arts policy and arts funding of any modern Australian government, and it is time for Senator Fifield to come clean with the Senate about the extent of the cuts.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (15:28): Just briefly, I want to correct a couple of claims made by Senator Wong primarily in relation to the question directed to me. She also, in mentioning the question directed to Senator Fifield, at one stage said that Senator Fifield had refused to answer the question. That is what you said. That is not the case. Neither question 2876, which was the question directed to me, nor the question directed to Senator Fifield, has been the subject of a refusal, as I and Senator Fifield explained initially in this debate.

In relation to question 2876, which was put on notice on from 16 December 2015, some three months ago, which includes the summer break, which is not entirely immaterial. Senator Wong would have us believe that all that was being inquired into was a series of numbers in relation to FOI requests, but that, I am sorry to say, is not the truth. The question—which, as I pointed out before, is in 17 parts and subparts across each of two years, 2014 and 2015—makes extensive inquiries which involve the characterisation and classification of FOI requests and the fate of them, including, for example, subpart 2(c)(i), in relation to certain decisions which were the subject of an extension:

… under which section of the Act was the extension granted …

I merely light upon that by way of illustration to make the point that it is not the truth to say that this is nothing more than a request for a number. The exercise being asked is to undertake the classification into different categories of a very large number of FOI requests across two years according to 17 different lines of inquiry and modes of classification. So the suggestion that there is only a number being sought is not the truth.
I said that Senator Wong had said there was a refusal to answer this question. That is not the truth either. As I said earlier on, because of the exhaustive nature of the question and the very large body of work that officers of my department will be—

Senator Lines: They're statistics. Stop fudging the answer.

Senator BRANDIS: Because of the very large body of work that officers of my department will be put to in meeting this question—


Senator BRANDIS: Senator, I will take your interjection. Senator Lines interjects that these are merely statistics and it is merely a matter of collation. No, Senator Lines. You are obviously not familiar with the question. It is not. It is a question of the classification, into the different several categories identified by the question, of a large number of requests, each of which requires an exercise to be taken by the decision maker. So I merely wish to correct the record to explain (a) that there has not been a refusal to answer; (b) that the suggestion that this is merely asking for a number in relation to statistics that are collected is wrong; and (c) that the large body of work undertaken not by me or my office but by officers of my department has been embarked upon.

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (15:32): I also rise to take note of an answer given by Senator Fifield in regard to question on notice 2820.

The DEPUTY PRESIDENT: So you are moving to take note?

Senator BILYK: I am.

The DEPUTY PRESIDENT: Okay.

Senator BILYK: Thank you.

The DEPUTY PRESIDENT: I am not sure that is what you want to do, but if—

Senator BILYK: Sorry. If it helps, Mr Deputy President, I want to respond to the response given by Minister Fifield.

The DEPUTY PRESIDENT: Yes, on the matter before the chair at the moment.

Senator BILYK: That is right.

The DEPUTY PRESIDENT: Thank you, Senator Bilyk. You can do that.

Senator BILYK: Thank you. I appreciate the fact that Minister Fifield gave a response, albeit very short, in regard to the fact that the question had been sent to, I think, Treasury, and then on to him. However, he has completely failed to really give any sort of explanation on the full details of the government's cuts to cultural and collecting institutions. These questions were originally asked, as Senator Wong indicated, on 16 December 2015 by Senator Wong and then, on notice, were transferred from the Minister representing the Treasurer to the Minister for the Arts on 6 January 2016. We are now well into March, and I think that the Senate now deserves explanations in regard to these cuts.

This government should be ashamed of its additional $52.5 million cuts contained in MYEFO to Australia's cultural and collecting institutions, and these cuts were delivered on top of already savage cuts in previous budgets. This is a government that has shown not only a disdain for Australian arts and Australian culture but an outright hostility to it. The Abbott and Turnbull government want to attack Australian culture, and for the life of me I cannot see
why. Those opposite should celebrate the cultural worth of our national institutions, the talent of our artists and the importance of our history.

We are all aware in this place of the disastrous $104.7 million cuts to the Australia Council to create, as Senator Wong referred to it, the Brandis personal slush fund. As we remember, it drew universal condemnation from the arts industry and the broader community and led to thousands—literally thousands—of submissions to the Senate Legal and Constitutional Affairs References Committee into arts budget cuts. I have never before seen such a strong response to a Senate inquiry, and it highlights just how wrong, how thoughtless and how misguided this government’s cuts to arts and culture are.

The arts community breathed a collective sigh of relief when Senator Brandis was dumped from the Arts portfolio, and there was general feeling in the arts community that things could only get better under a new minister. Unfortunately, that confidence was completely misplaced. Things not only have not improved but in fact have become worse under Minister Fifield, as the MYEFO shows. The government said in the MYEFO papers:

The Government will achieve savings of $52.5 million over four years from 2015-16 within the Communications and the Arts portfolio, including:

- $36.8 million from cultural and collecting entities within the Arts portfolio, except for the Australia Council. The savings will be achieved by introducing a 3 per cent efficiency target for these entities;

- $9.6 million through a number of arts programmes, including the cessation of the Book Council of Australia—and I will come back to that later—and

- $6.0 million from the Department of Communications and the Arts by implementing ongoing efficiencies.

Particularly targeted were the Canberra based institutions, especially the National Library, which faces about a $6 million cut, the National Museum of Australia, facing a $5 million cut, and the National Gallery, facing a $4 million cut, as well as smaller cuts to the National Portrait Gallery, the National Film and Sound Archive and the Museum of Australian Democracy in Old Parliament House. These are institutions that Australians are proud of. They are world-leading institutions that preserve and display our cultural heritage, and they are vital for research. They are vital also to telling Australians who we are as a people. I, for one, am utterly astounded that the Turnbull government wants to destroy these institutions and stop Australians hearing the stories of Australia.

The National Gallery will lose, as a result of the cuts, $4 million over the next 3½ years. Yesterday, being a public holiday here in Canberra and in Tasmania, I visited the Tom Roberts exhibition at the National Gallery of Australia. The NGA was packed with Australians wanting to experience the works of this fine Australian artist. Through the works of Tom Roberts, contemporary Australians were gaining an understanding of what Australian life was like at the turn of the 19th century and at the beginning of the 20th.

While looking at Tom Roberts's incredible depiction of the industry which produced the wealth of Australia—the wool trade—in Shearing the Rams, I could not help but wonder whether those around me who were viewing the paintings knew just how much the government had cut from the National Gallery and how it is putting in jeopardy the ability of
our major cultural institutions to produce exhibits like this one. I am pretty sure that those in the gallery would have been horrified had they known about the cuts and about the failure of the government to give a detailed answer to this question on notice, months after it was asked.

We did receive some answers in Senate budget estimates in February regarding changes to the budgets of the cultural institutions. It looks like the six flagship institutions in Canberra—the National Gallery, the National Portrait Gallery, the National Museum, the Museum of Australian Democracy, the National Film and Sound Archive and the National Library—have been forced to absorb the massive cuts, starting with more than $3 million in this financial year. This represents around $20 million in cuts just to these institutions. Australians love their national cultural institutions and, as I said, are proud of them. But this Prime Minister, who pretends to be a friend of the arts community, should be ashamed of the outcome of these cuts.

Canberra is the home to several national institutions and proudly plays the role as custodian of a great deal of our national cultural history. The boards and staff of these institutions now have no alternative but to look at job losses, reducing programs and turning to private supporters as a way of ensuring they can continue their service to the Australian community. Once again, the government sought to hide scrutiny of these cuts by announcing them—when was it?—just before Christmas last year.

I would just like to take a moment to say what fine work the staff at these institutions do and how disappointing it is that the government cannot share their passion for preserving and promoting Australia's cultural heritage. It is not feasible that this $20 million in cuts can be absorbed without impacting on services, forcing the institutions to consider reducing programs and having to beg private donors for money. It is quite clear that Senator Fifield is still reading from the script handed down by the Abbott government, which had no respect for the arts in Australia; absolutely nothing appears to have changed. Senator Fifield and Mr Turnbull have failed the arts sector to a greater degree than even Mr Abbott and Senator Brandis did. And that was quite large. Senator Fifield and Mr Turnbull have seen the devastation caused by the cuts by Mr Abbott and Senator Brandis and yet instead of reversing them they have cut harder and deeper, with full knowledge of the impact.

The National Library is particularly impacted by the Turnbull government's shameful multimillion dollar cuts to the Australian flagship cultural institutions, with key services and personnel facing the axe. It will lose $1.485 million in 2015-16, $1.490 million in 2016-17, $1.495 million in 2017-18, and $1.499 million in 2018-19 ongoing. I find it particularly galling that the National Library will need to find savings of almost $1.5 million in just the last six months of the 2015-16 financial year. It has been reported that the nation's book repository will lose 22—22!—full-time equivalent staff by the end of the next financial year. The key services affected include public exhibitions; the collection of international subscriptions, including Asian language text; the vital task of digitisation of its massive collections—necessary so that publications can be kept safe for future generations; and Trove, a fantastic searchable online database of Australian text, which will stop collecting content from museums and universities until it receives more funding. National Library Director-General, Anne-Marie Schwirtlich, said the $4.4 million cut that the institution was forced to absorb over the next two financial years would have a grave impact.
The National Library is an institution which keeps all publications released in Australia. It is one of our most vital cultural institutions. Not only does it serve the purpose of collecting text, it also makes reams of information easily accessible for academics, students, researchers and everyday Australians interested in their history. It is no less than the repository of our collective identity as a society. One of the things I am particularly concerned about with the cuts to the National Library is the future of Trove. For those who do not know, Trove is an online resource of the National Library of Australia, launched in 2010. The National Library of Australia developed Trove into a world-class digital collection of resources from all around Australia. It is a world leader and it is admired as best practice by galleries and libraries, even in the United States and Europe.

Trove's content, much of which is digital, comes from more than 1,000 libraries around Australia, as well as other cultural and educational institutions and international collections with relevance to Australia. It is one of the largest digital cultural collections in the world, with some 471 million items and more than 20 million unique users every year. Trove takes users straight to the source, not just to a list of websites, and allows them to search across pictures, unpublished manuscripts, books, oral histories, music, videos, research papers, diaries, letters, maps, archived websites and Australian newspapers from 1803 to 1954. I know just how useful a resource it is for researchers, writers, family historians, academics and students. It is so useful that 70,000 people every day are searching for information to help us better understand, as individuals and as a nation, our past and our present. In particular, I know that many University of Tasmania students use Trove extensively as part of their research. I am horrified that access to these resources could be affected into the future.

The Turnbull government's latest funding cuts to the National Library mean that the library can no longer maintain this innovative and valuable research resource. Among other cuts to the Library's services, the Library has announced that it will cease aggregating content in Trove from organisations such as museums and universities unless it is fully funded. Contributing organisations, particularly smaller historical and scientific bodies facing budgetary pressures of their own, are highly unlikely to be able to fund Trove. This would be a disaster for future researchers trying to look back to today, or for documents from our past that may be decayed, destroyed or lost before being digitised. This means the destruction of Trove as a vital and current source of information for researchers in almost every field of human endeavour that you can imagine. Researchers in the sciences, humanities, education, health, manufacturing, business, services and technology all use Trove.

The Turnbull government and the Prime Minister say they believe in innovation and creativity but they allow these cuts to take place. This all comes from the government that produced a statement on innovation that made no mention of artistic innovation and creativity. The Australian people deserve a government that takes its cultural heritage seriously and acts in the best interests of our history, rather than a government that does not particularly care.

Senate Estimates was told that the National Museum is facing cuts of $4.9 million over the next four years. While they will not lose staff immediately, staff are being redeployed to 'capital projects', which will only last a certain time. Estimates was also told that the National Portrait Gallery is being asked to find savings of $173,000 in the remainder of this financial year and very nearly $400,000 in the following three financial years, ongoing. Mr Trumble
from the Museum told the estimates committee that they would find a range of savings, including but not limited to 'cutting pretty much everything'.

The cut this financial year for the Australian National Maritime Museum is $333,000 and next financial year it will be $769,000 from a budget of around $21 million a year. The Australian National Maritime Museum is Australia's national centre for maritime collections, exhibitions, research and archaeology. The museum welcomes over 520,000 visitors annually, including families and interstate and international tourists. The museum presents a changing program of stimulating exhibitions and events to share Australia's maritime history and connect the stories, objects, people and places that are part of our country's narrative. Given Australia's history as an island continent, I am extremely disappointed once again that the government is cutting another important cultural institution.

Also included in the MYEFO cuts was $8 million of funding ripped by Senator Brandis away from the Australia Council for a new book council. The whole situation with the book council has been a joke from the very beginning. The government has now abolished that body, which was never fully established and never actually met, but has not returned the funding to the Australia Council, and I doubt at this stage that it ever will. It would be a farcical situation if it were not such a terrible attack on Australia's artists. They have ripped $8 million away from an agency to create a new book council, which did not ever get up and running, but will not return the unspent money to the agency. This decision has locked in an $8 million cut to the arts with absolutely no benefit to the arts at all.

Cuts have also been made to the Museum of Australian Democracy. We know from budget estimates that the Museum of Australian Democracy is losing $207,000 this financial year, $476,000 next year and then $479,000 and $482,000. The Museum of Australian Democracy in Old Parliament House is a fantastic resource, particularly for the tens of thousands of school students that visit Canberra each year. The museum have said, 'It means that our exhibitions will run for longer, we will have fewer exhibitions happening and we will do one less significant event each year.' This is a truly disappointing outcome for such a fantastic education resource.

Let us not forget that the government has also made drastic cuts to Screen Australia. The budget update reveals that the Turnbull government will cut $10.4 million from Screen Australia to help fund its spending on two Ridley Scott films—Alien: Covenant and Thor: Ragnarok. We certainly want more major Hollywood blockbusters made here, but not at the expense of Australian films. MYEFO says that the government will provide $47.3 million over two years from 2016-17 for the two films but when the foreign minister, Ms Bishop, announced $47.3 million of grants for Hollywood blockbusters in October she did not admit that this would come at the expense of Australian filmmakers.

Labor condemns the government's cut to Screen Australia—the third in only 18 months. The continued attacks on the country's main film and television funding agency mean its annual allocation will fall from $100.8 million two years ago to $82.2 million next financial year. Mr Turnbull has cut Screen Australia even further than Mr Abbott and Mr Hockey could bring themselves to. Screen Australia provides critical support to Australian filmmakers to tell Australian stories in Australian voices. Many of our producers, directors, actors and creative professionals rely on its help. Mr Turnbull should be working to help the Australian film industry grow, not trying to shut it down.
I have spoken in this place before about the effects that the government's cuts will have on the screen resource organisation Wide Angle Tasmania. I know my colleague here Senator Polley is interested in this as well. I am still angry that Wide Angle Tasmania, a professional, active and engaged organisation, will be closing its doors on 30 June 2016 because of this government's cuts to Screen Australia. Wide Angle Tasmania is the heart of the screen industry in Tasmania and provides training opportunities, equipment hire and extensive networking opportunities. It is utterly unthinkable that Wide Angle Tasmania loses its $80,000 grant, yet Ridley Scott will get $47.3 million for * Alien: Covenant* and *Thor*. Couldn't this government have given him $47.2 million and reserved enough for Wide Angle Tasmania to keep its doors open? This government should be ashamed of such a terrible outcome for the Tasmanian screen industry caused by this government's poor judgement and terrible priorities.

While we are talking about film, the National Film and Sound Archive of Australia says the impact of the MYEFO adjustment to the National Film and Sound Archive of Australia's budget will be a $387,000 reduction this current financial year, an $890,000 reduction in 2016-17, an $897,000 reduction in 2017-18 and, finally, a $905,000 reduction in 2018-19.

Australia has a strong history in film and sound—well, we did have until this government came to bear. In fact, the first feature film, *The Story of the Kelly Gang*, was made in Australia in 1906. The national audiovisual collection holds more than 2.16 million works, and the collection includes films, television and radio programs, videos, audio tapes, records, compact discs, phonograph cylinders and wire recordings. Once again, due to these short-sighted cuts, the ability of the archive to promote and preserve Australian film and sound works has been put at risk.

The government like to talk big on the arts. Mr Turnbull is the first to attend big openings like the opening of the Tom Roberts exhibition at the NGA, but, when it comes to actually funding these institutions properly, he is completely missing in action. The government care so little for the arts that, months after this question on cuts to the cultural institutions was asked, they have been unwilling to update this chamber with the required answers. They have also failed—(Time expired)

**Senator Ludwig** (Queensland) (15:53): This is not quite on the same question. It is to take note of the response by Senator Brandis in respect of question on notice No. 2876.

**The Deputy President:** That is the question before the chair.

**Senator Ludwig:** Thank you, Deputy President. Firstly, I would like to say that, in the response that Senator Brandis gave during his second contribution, he did say that the information was—these are my words—complex and that sufficient time was required to be able to respond to all of the questions asked. In a perfect world, you could agree with that contention by Senator Brandis. However, Senator Brandis presides over the worst administration of FOI that this country has ever seen. Put in that context, it is simply unsustainable that Senator Brandis can hold that point of view.

This government wants to dismantle the FOI regime that has been in place for many years. It has legislation sitting on the *Notice Paper* to do just that. This government does not support the FOI regime we have now, let alone the previous FOI regime. The coalition government is and continues to be unhelpful when it comes to FOI requests. That is clearly what has prompted Senator Penny Wong to ask for the information that has been asked for in question
No. 2876, because it will demonstrate, if the government ever deigns to answer it, how this government treats FOI in this country.

The information that has been requested has been broken down and is to be broken down by both year—that is, 2014 and 2015—and how many requests were received. In truth, these are simple requests that the department should have the statistics for. They should keep those statistics on the web, and they should make them freely available for the public to see—of course de-identified if there should be any personal information there. If they had such a regime in place, it would be easy for senators to look at the type of material that is being sought and the number. For argument's sake, one of the requests is: how many requests were not acknowledged within the statutory time frame of 14 days as required by section 15 of the act? These are simple issues where the department themselves should maintain a relevant log so that they can provide an answer about where they have failed to meet section 15 requirements.

For how many requests was notice of a decision not provided to the applicant within the statutory time frame of 30 days as required by section 15? Again, this is a simple log request. This should be logged. They should have it as a KPI for the department and be able to advise through their website when they do not meet the requirements of section 15 of the act. And, of course, should extensions be granted, this information—if they truly did embrace FOI—would be available.

But, quite frankly, this government does not embrace FOI in any way, shape or form, which prompted me, in fact, to introduce a private senator's bill to encourage this government to embrace FOI, freedom of information, more fully than it currently has. The bill that I sought to introduce would go a long way—if the government agreed to it in the first place—to meet the requirements that are now being sought by Senator Wong. The FOI bill that I put forward would insert section 11D into the Freedom of Information Act 1982 to require government agencies and ministers to publish the exact wording of each FOI request made and a statement of reasons from the decision maker.

This measure is designed to make governments more transparent. It would allow the public to see what requests have been made and why documents were or were not released. It would mean that applicants seeking similar documents could build on each other's requests, which would also reduce any duplication of requests. And, of course, publishing the reasons for decisions would allow for scrutiny of departmental decisions and open the door to further reform to allow review of requests to parties other than the initial applicant.

The government does not support this measure. Why? I come back to my first submission in this opportunity to speak about question on notice No. 2876. This government has not embraced and does not want to embrace freedom of information at all. You only have to look at the coalition's history on FOI to consider how poor it has been. The bill that I sought to introduce, the Freedom of Information Amendment (Requests and Reasons) Bill 2015, did seek to amend the Freedom of Information Act, as I said, to require government agencies to publish those requests.

But if you look at Labor's approach, since the Australian parliament first considered introducing freedom of information legislation in the 1970s, Labor has worked hard to strengthen these laws to improve transparency in government and to champion the right of the public to know. In 2007, Labor made an election commitment to reform freedom of
information legislation to promote a pro-disclosure culture. Senators on this side of the chamber recognise that freedom of information is essential to Australian democracy. It is the right of the Australian public to know what their elected representatives are doing in their name.

Mr Turnbull and Senator Brandis lead a government shrouded in secrecy that has sought to hide what it is doing from the Australian public. The non-answer to question on notice to 2876 again makes the simple point that this government does not have a pro-disclosure culture, does not want light shone on its workings. We on this side of the chamber support a pro-disclosure culture. The government will stop at nothing to avoid scrutiny by the people that placed their trust in its hands.

Again in 2007, Labor in opposition made commitments to: revise the FOI Act to promote a culture of disclosure and transparency, appoint a FOI commissioner, rationalise the exception provisions, publish guidelines with the overriding principle that information is withheld only when to do so is in the public interest, and review FOI and the charges to ensure that they are compatible with the objectives of disclosure and transparency. And of course in government, Labor followed through these commitments and introduced wide-ranging reform in the Freedom of Information (Removal of Conclusive Certificates and Other Measures) Act in 2009, the Freedom of Information Amendment (Reform) Act 2010 and the Australian Information Commissioner Act 2010. They were reforms to the FOI Act that made it easier for applicants to request information and to seek review of decisions.

Among the first of those changes was to remove the availability of conclusive certificates as a device for preventing full merits review of FOI decisions, to refuse access to documents. This was during a period when the Howard government again refused to provide FOI requests any information. It continued what this government is continuing today—to embrace a non-disclosure culture, to consider secrecy is paramount. The reforms that Labor introduced were about tearing down that wall of secrecy that the Howard government had put in place. What this government is now doing is rebuilding that wall brick by brick to ensure that it can hide behind the legislation, hide behind non-answers to questions, hide behind a wall of secrecy.

However, the reformed FOI implemented a presumption of openness and maximum disclosure—that is, while protecting national security and while ensuring personal private information is kept private. But what Labor wanted to do was to ensure that we had an open and transparent government to ensure access to information unless there is an overriding reason why it should not be released. So it was not a position where Labor was advocating wholesale release. Labor ensured that there would be an overriding ability of government to keep matters secret that needed to be kept secret or that needed to be withheld for good reason.

Labor established the Office of the Australian Information Commissioner and the two statutory positions of the Australian Information Commissioner and the FOI Commissioner to provide independent oversight and review of the FOI regime. The reforms encourage proactive publication of information under the information publication scheme and this requires agencies and ministers to list information released in response to an FOI request in an online disclosure log subject to reasonable exceptions including the protection of an individual’s privacy. All of this is about ensuring that the Public Service and the ministers implementing the will of the people with their warrant would still ensure that it was done in a way that
would allow the public to understand and follow what they were doing. The reforms encouraged pro-active publication of information. What this government has done since coming to office is wind all that down. The answer to question on notice 2876 is simply another example of a government that does not want scrutiny.

The 2010 reforms by Labor made it easier and cheaper for requests to be made by simplifying the requests procedure, by abolishing application fees and charges for requests of personal information, and by putting the subtle pressure on agencies to observe request processing time limits. All of this was designed to encourage and slowly move to a pro-disclosure culture. The ambit of the FOI Act was extended to documents held by a contracted service provider delivering services to the public on behalf of the agency. It also made government archival records outside of the FOI Act available for open access progressively sooner.

Finally, the reforms strengthen the review and complaint process by allowing individuals to request the Information Commission to review decisions made under the FOI Act. This encourages agencies and ministers to make sound and justifiable decisions in the first instance. These reforms were implemented with the purpose of revitalising the FOI Act so that it delivered on the important objects of increasing participation in and the accountability of government because, in context, that was after a very long period of Howard administration that had ensured secrecy and the non-disclosure culture within the bureaucracy. What we now have is a government that is seeking to bring back all of that non-disclosure culture of secrecy surrounding the administration.

They are infecting the bureaucracy with that same culture, because they do not want the bureaucracy to be pro-disclosure and they want the bureaucracy not to err on the side of positive release. They want the bureaucracy to maintain the secrecy of government, even when it flies in the face of common sense and where you can have open and transparent government. You do not need the badge of national security to protect it. If it can be protected and it should be protected because of national security or some other reasonable reason, then it can be.

The reforms in the new bill that I introduced would have the key purpose of ensuring that transparency and accountability are included within the framework of government decision making concerning freedom-of-information requests. It would allow the public to view requests that have been made and the reasons why documents were or were not released, allowing applicants seeking similar documents, for example, to build on the requests to garner further information on a particular topic and to reduce the duplication.

One of the complaints made by this government is that we make too many requests for information and that many of them are duplicate. Each senator is asking, and it is not surprising, similar questions about information that this government holds. If they had a pro-disclosure culture in the first instance—if they published the requests—then in fact they could reduce the duplication themselves. But that is not their purpose. Their purpose of complaint about a duplication is to stymie requests, to block requests and not to provide information.

Under the current framework, requests made under the FOI Act can be refused or documents may be edited with virtually no justification from government agencies or ministers. This does pose a clear threat to the core tenets of transparency and accountability within government decision making. What this government is doing more predominantly is
simply not answering questions, or providing answers to questions very late or very close to
the next round of estimates so that there is no ability to have time to absorb and read them and
find new questions or new parts to follow, given the paucity of information that sometimes
comes out of those answers in any event.

This private senators' bill that I sought to progress would ensure that FOI requests and
reasons for decisions are made accessible to the public without charge. The result would be
reduced duplication of requests, freeing up precious administrative resources. This
government does not want that. It argues, broadly, that answering questions is resource
intensive. There are many simple steps that the government could take to reduce that by
publishing them, putting them online or using online logs. Much of the request that Senator
Wong is seeking under 2876 could be dealt with in such a way that any reasonable
government that embraces FOI, that embraces transparency and that embraces openness
would already have information online and available for the public to use.

But it is not surprising that this government does not want to answer the question, and
answers the question in such a way that there are many questions that will take many hours of
work to bring the information together; it is ultimately complex. These are the same
arguments that the Howard era progressed as well. It is a sad refrain about FOI coming from
this government.

Given the government's record, it came as no surprise when they introduced a bill last year
to abolish the OAIC, removing the role of oversight from the independent Information
Commissioner and giving it to the government's own minister, Senator Brandis. The bill is yet
to be debated in the Senate. However, the estimates last year revealed that the government
had already taken it upon itself to close the Canberra office of the OAIC in December 2014,
leaving the former Information Commissioner and the former FOI Commissioner to work
from home. This is the style and type of government and how it addresses FOI more broadly.
It does not want scrutiny, it does not want transparency. What that means is that the remaining
office of the OAIC has been sitting in limbo since the introduction of the bill, discharging
only privacy regulatory functions. This highlights the problem that this government has.

It does not want to answer questions on notice. There are many questions on notice that
have not been answered within the relevant statutory time frame because this government
continues to embrace secrecy and does not want transparency and accountability. The most
devastating aspect of the bill that the government seeks to introduce will abolish the
opportunity that members of the public currently have to request the independent Information
Commissioner to review a refusal by government agencies or ministers to provide documents
under the FOI Act. What this government wants to do is simply have a minister get up in this
chamber and say, 'It's a very complex question that you have asked, Senator Wong, and it will
take forever for us to be able to collate the information, put it together and provide it to you. It
will be expensive. It will be difficult to do, but we'll try our hardest at some point to be able to
do that.' That is what this government wants to be able to respond with to every question
which is probing, which is seeking to provide some transparency and scrutiny of this
government's operation— Time expired)

Question agreed to.
QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Hospitals

Senator POLLEY (Tasmania) (16:14): I move:

That the Senate take note of the answers given by the Minister for Regional Development (Senator Nash) to questions without notice asked by Senators Lines and Ketter today relating to hospital funding. Today, in this place, we heard yet again more rubbish from Minister Nash in relation to health. It might be an idea if the minister actually went to the budget papers of 2014-15, because it states on page 7 that there is a cut to health—to Commonwealth funding for public hospitals—of $57 billion. That is $57 billion cut from health. I often talk about the fact that, when Mr Abbott was the Minister for Health, he cut health by a billion dollars. But here we have the new Prime Minister cutting health at a rate of $57 billion.

The crucial health workforce training programs have been cut by $595 million. That is $595 million that has been cut out of the workforce training programs. They have ripped another $146 million out of the health prevention and eHealth programs and, most damaging of all, they have ripped another $650 million out of Medicare by slashing bulk billing for diagnostic imaging and pathology. And we know what the real effects are going to mean to the Australian community when you have such savage cuts. It will have an enormous impact in my home state of Tasmania, because we have the fastest ageing population in this country. So Tasmanians are going to feel these cuts more so than others—

Senator Bernardi: I am ageing just listening to you.

Senator POLLEY: except perhaps those in Senator Bernardi's home state of South Australia. So it would be nice if Senator Bernardi were to speak up in his caucus and stop these outrageous attacks on health. But, no, he is silent on this issue. We now learn that the Prime Minister has been working on a plan to privatise Medicare payments. He is considering a plan to allow private insurers into Medicare and he is now looking at killing off Labor's dental scheme for kids. How much more can this heartless government do in their arrogant grab for more money?

This week we will be continuing to debate the Senate reform legislation—the legislation where the dirty, grubby deal was done with the Greens behind closed doors—and that will mean that, if this government are re-elected at the election in July, they will have outright control in this chamber. That will mean that every health cut will go ahead; every attack on older Australians will go ahead; every attack on education will go ahead; and there will not be any hope whatsoever of the Gonski funding for years 5 and 6—everything attack that we on this side of the chamber have spoken up against. And have no doubt at all that the GST increase will be back on the agenda. Along with further cuts to health, we will see an increase in the GST.

In the Howard years, when I first came to this place, I had to experience what it was like when a government controls both houses of parliament. They just ram through all their legislation. We have just seen a touch of that this afternoon. Since we came into this place today, we have seen the dirty, grubby deals that have been done by those opposite behind closed doors with the Greens, even by Senator Bernardi—of all people to get into bed with the Greens! Australians cannot afford this. In my home state of Tasmania, the Liberal state government have said time and time again that they want their money back from this...
government because the real health cuts—the cuts of $57 billion—are going to have an enormous impact on whether or not GPs will be able to get their patients into hospitals.

The minister comes into this chamber and says, ‘Trust me; don't trust the AMA, because they have got it wrong.' But she does not even know what is in her own government's budget papers. Enough is enough. The Australian people will not support a government that continually attack those who are most vulnerable in the community. And those on that side who have failed to speak up on these very important issues should hang their heads in shame.

**Senator FAWCETT** (South Australia—Deputy Government Whip in the Senate) (16:19):
I am so pleased that Senator Polley mentioned the budget papers and what is happening to funding. Yes, we have the perspective that is put forward by the AMA and we have the perspective that is put forward by those opposite, but Senator Polley has so helpfully said, 'What do the budget papers say?' Well, I just happen to have in front of me here table 8 from the budget, which is a summary of expenses in health, looking at the expenditure in this area. It is fascinating to look at the health spending across the forward estimates. It says it was $67.037 million in 2014-15 and $69.381 million in 2015-16 and is $71.634 million in 2016-17, $74.076 in 2017-18 and $79.987 million in 2018-19. I did not major in maths at university, but I have to say that even somebody with a basic understanding can see that that is a year-on-year increase in the total expenditure on health.

But let us break that down into the areas that people raised in question time today. We see that funding for Aboriginal and Torres Strait Islander health increases from $740 million to $743 million to $809 million to $893 million and to $931 million by 2018-19. In terms of assistance to the states for public hospitals—which was another one of the areas raised—we see that funding was $15,459 million in 2014-15 and goes through to $18,873 million by 2018-19. So what we see are year-on-year increases. Senator Polley made a comment about a government that cuts funding to health and to those who are most in need. As I have just shown, this government is increasing funding year on year compared to what has happened in the past.

But let us look at the side of politics that does cut health. Just last year in South Australia I was in Mt Gambier speaking to the community there, who were quite upset because the funding for palliative care services had been cut. There had been a 50 per cent cut in palliative care services. The state minister for health at the time—Labor minister Jack Snelling—said that that was because of 'these dastardly federal funding cuts'.

**Senator Lines interjecting**—

**Senator FAWCETT**: When I looked into it—unlike what Senator Lines just said—it was not right; it was a complete fabrication. The fact is that, going back to the partnership agreement between the then Labor government in Canberra and the Labor government in South Australia, the funding that had been allocated for palliative care services ran out in 2014. So, contrary to the comment from those opposite and the comment from Mr Snelling that these were a result of the coalition cuts, this was actually an agreement that was reached between the South Australian government and the Labor federal government that resulted in that cut.

What did we see? We saw the pattern again of those opposite, and their counterparts in the state, trying to blame the coalition. But, if we have a look at their own conduct, we can see
that, not only did they sign that agreement; but, going back to the 2012-13 MYEFO, the Australian Primary Health Care Research Institute at the Australian National University—that is an organisation that is not a great supporter of the coalition—did some inquiries into that, and this is what they said:

The hidden disaster in the 2012-13 MYEFO—

and I pause there to note that was under a Labor government—
is the hit (unacknowledged by anyone in the government) taken by preventive and public health. We know that $1.5 billion over four years … has been cut from the National Health Reform funding.

So, if you want to look at health spending, look at the coalition government; it increases funding year on year in every state around the country, whether it is for Indigenous health or hospital health. Despite the claims from those opposite, if we look at the facts the facts show that they are the ones who actually cut funding, and in this case it was up to $1.5 billion from the national health reform funding. There is only one side of politics the Australian people can trust—

( Time expired)

Senator O'NEILL (New South Wales) (16:24): I also rise to put on the record remarks regarding answers to questions today, which I would call 'nonanswers' really, from the Assistant Minister for Health, Senator Nash, to questions that were put by Senator Lines and Senator Ketter. In those questions Senator Lines and Senator Ketter referred to that illustrious group of medicos, the Australian Medical Association. Essentially, what we found the minister saying was: 'Ignore the AMA. Ignore any contrary views. Just trust me. I am the minister. I am telling you the truth.' But what we saw from her was a load of porkies. And we have seen exactly the same performance by Senator Fawcett—who is, I will grant you, a very hardworking senator here in this parliament. Nonetheless, he has denied the fact and denied the reality that in their own budget papers—when they were saying, 'We've got to cut. We've got to save the Australian economy. We've got to slash the costs that we can't bear'—they cut $57 billion from health; that is a fact.

While they dance around the issue and pretend that they have not done that, and talk about 'year-on-year increases', the reality is there was a deal done between the Labor government and the states and territories around this country to properly and adequately fund our hospitals so that we would have reasonable waiting times for people who were seeking elective surgery, so that we would have capacity in emergency departments for people to access the care that they need and so that we would have a safe and sustainable system of funding our hospitals.

Instead of honouring that carefully negotiated and calibrated agreement, this government, on the rise of Tony Abbott, came in and immediately tore up those partnership agreements with every single state and territory. The contempt they showed for Australian people and Australian parliaments and the contempt they showed for those carefully constructed agreements was on display immediately. They banked those cuts when they tore up those agreements with complete contempt for the Australian people and with complete contempt for the fact that Australians deserve access to health. While they were trying to destroy Medicare, that was not enough for them; they have gone after the hospitals as well. How much is the impact of this?

We would like to know what the New South Wales government has to say about it, but we cannot get the New South Wales minister to stand up for anything. She is in the Liberal
government, and is in cahoots with this lot over here, and has gone absolutely silent on what they are doing to the New South Wales health system. She has gone quiet, but other states are talking. In an article from 4 November last year, by Julia Medew, the health editor, the headline tells it all: 'Federal health funding cuts equivalent to closing two major Victorian hospitals'. That is the scale of the cuts that we are seeing from this government. That is the impact. You have heard it around the country: health ministers, but not in New South Wales, screaming for assistance from the federal government.

In Victoria, the cuts were so severe, according to Ms Peake, that the growth rate that they expected to increase of 9.4 per cent from 2014 to 2015 did not happen. Instead they got a cut. They said that the continual funding growth—that we heard about from Senator Fawcett—would slow to about 4.3 per cent, which is less than the cost of delivering the services. That is why the comments that we are hearing from the AMA are the truth and why the minister's comments are absolutely a set of misinformation of the Senate.

We are seeing the translation of cuts by this Liberal government into fewer services for patients. We are seeing increasing waiting times in emergency departments for unacceptable periods. We are seeing hospital capacity shrinking. We are seeing doctors who are unable to get their patients into hospital or to keep them there for their own health and wellbeing, or to receive the critical care that they require.

We are seeing exactly what Dr Brian Owler has put on the record. We are seeing that because of the cuts of this government. They cannot be trusted on health. After going after the hospitals, they are also have a real good crack at trying to destroy Medicare and cutting pathology services—making it harder for people with diabetes, with cancer and with chronic illnesses to get the tests that they need to keep them well. In the seat of Robertson, in the seat of Dobell, in the seat of Paterson, in the seat of Riverina, in the seat of Hume—right across New South Wales—this Liberal government have cut funding to hurt the local people—(Time expired)

Senator BERNARDI (South Australia) (16:29): It was extraordinary listening to Senator O'Neill and Senator Polley before her, because they talk about spending like money is just manufactured out of thin air. The reality is money comes from taxpayers. Those on that side of the chamber have demonstrated how poor they are at taking responsibility for other people's money. The only thing they can do is fritter it away and cast it amongst the deserving Australian people, and rack up of billions and billions of dollars worth of debt for generations to come.

Senator O'Neill was thrown out of the last government. She was thrown out of her seat in the last government because she could not accept responsibility. That government was the most spendthrift government ever. It was the worst government in the history of this country. That is the problem that Senator O'Neill has when it comes to credibility. It is the same with Senator Polley. They talk about how they need to spend more money on this and more money on that, but there is not one iota of responsibility mentioned in any of this.

The reality we have to deal with is that we have to prioritise. Senator O'Neill and Senator Polley, and most of those on the other side, need a swift lesson in our Constitution. They clearly do not understand the separation of powers. The hospital system, which Senator O'Neill has been whining about for the last five minutes, is the responsibility of the states. Of course the states have been terrible economic managers as well—most of them Labor states.
In my own state of South Australia, the hospital system is in a parlous position. It has all sorts of problems because of the nearly 20 years of neglect under Labor governance. Yet those on that side of the chamber will say that somehow it is the federal coalition's fault. Well, it is not. They should check the Constitution.

You cannot suspend your knowledge of Australia's history and its constitutional arrangements when you come into this place. You cannot suspend your own common sense. Yet that is what those on that side of the chamber seem to think. They also seem to think they can suspend the law of economics, which is: unless you have money to pay for it, you have to borrow it. Those on that side of the chamber have set in path a motion of unsustainable spending from which we are still trying to recover—the hundreds of billions of dollars that they started spending, with promises of permanent programs that they could not fund and that they still cannot fund.

Their latest thought bubble is to start to decrease the capital gains tax to make us even less competitive for international investment; also to stop negative gearing. Negative gearing has been part of our tax system; it is a fundamental principle that is attached to it about people investing and being able to offset the costs of an investment and the income from that investment against the costs attached to it. Those on that side of the chamber said, 'No, no, this is just about housing.' But they neglected to mention the people who invest in commercial real estate, which provides accommodation for businesses to grow; they neglected to mention those who borrow to invest in private businesses—that is outlawed under that mob over there; and they neglected to mention those who invest in the share market and borrow money to invest—you are not allowed to deduct your expenses associated with that. All of these things have not been thought through. In their rush to ingratiate themselves with those whom they want great support from, they make these ad hoc decisions.

Those on the other side of the chamber need to grow up and take some responsibility for their own decision making and their own failings and come to the conclusion that the more government interferes, the more things go bad. That is simply what happens in this country, particularly under that mob. On this side of the chamber, we recognise that the one that governs least is the one that governs best.

If people can take more responsibility for themselves, if we take less tax from them, they will be able to make better decisions in their long-term interest than a government ever will. It is a simple premise. Instead of that, instead of responsibility, we get carping, whining and bleating. We get complaints. They look for those who are suddenly disadvantaged. Rather than trying to uplift them, they want to make them more dependent upon the bosom of government. They say: 'We will look after you. Come into our warm embrace.' But as they embrace you, they smother the life out of you. They are trying to crush the life out of Australia—their innovation, their business sense—and replace it with the government. I think that is fundamentally wrong.

If they want to come in here and be credible, then stop complaining about the implications of what you set in train. When you can do that and say, 'We got it wrong' then maybe people will listen to you, and maybe then you will be more deserving of people paying attention to what you have to say.

Senator LINES (Western Australia) (16:34): I too rise to take note of answers given by the assistant minister for health, Senator Nash to questions from Labor senators today. Before
I do that, I think someone ought to inform Senator Bernardi that there is no one-speech-fits-all. We just heard the usual rhetoric that we expect from Senator Bernardi. But he did actually confirm that the government has indeed cut the health budget, because he was at great pains to point out how the government needs to be fiscally responsible. He went further than Senator Nash did.

I asked her specifically about comments made by the Australian Medical Association—a very conservative body, nevertheless a body concerned about the health of Australians. When the Australian Medical Association starts to complain about cuts to the public health system then we should really listen. Since almost the term of the Turnbull Abbott government, the AMA has been very concerned about significant cuts to spending in the public health area. You only have to look at my state of Western Australia which is in a disgraceful state.

The Fiona Stanley Hospital, a public hospital that the Barnett government privatised, is 18 months late in opening and has cost millions and millions in budget overspend, and it is the same now for the Children's Hospital. Certainly the Barnett Liberal government has demonstrated that it cannot manage anything at all and it particularly cannot manage public health. Western Australia's credit rating has been reduced two or three times under the Barnett government.

The other group that Senator Nash referred to today was the National Aboriginal Community Controlled Health Organisation. I recall Senator Nash saying that she has very good relationships with NACCHO. She might have good relationships with them, but they have well and truly documented and spoken about at length about the cuts to Aboriginal and Torres Strait Islander health programs right across the nation, cuts that NACCHO believe will go to very provision of essential services in rural, regional and remote Australia. Senator Nash is actually a National Party senator, purportedly representing the bush, but it is a long time since the National Party in Australia has represented anyone's interests other than its own. NACCHO, like the Australian Medical Organisation—a credible organisation—is really putting down on the public record exactly where those cuts have taken place. We have seen cuts to NACCHO in the area of Aboriginal and Torres Strait Islander health in communicable diseases, in substance use treatment services and in drug and alcohol services. There are just five specialised Indigenous programs left.

Just a week or so ago we saw the absolutely shameful death of a young 10-year-old girl who took her own life in the Kimberley. We certainly do not need to be looking at cuts to community organisations—particularly in the area of health—that go to the level of suicides especially in the Kimberley, which is the worst in the world. The leading cause of death for young Aboriginal people now is suicide, and what a shameful record that is. We do not need to see cuts to health, cuts to programs and cuts particularly to preventative programs that go to closing the gap.

One of the cuts that came out for Aboriginal and Torres Strait Islanders in the woeful, shameful first Abbott government budget—the one that Mr Turnbull has signed up to—was to the Indigenous smoking program. We have very high rates of smoking amongst Aboriginal and Torres Strait Islander people, but we have just seen that program slashed and burnt. We know that to improve Aboriginal and Torres Strait Islander health we need to put Aboriginal people in charge of these programs. We need Aboriginal and Torres Strait Islander-led solutions put in place by Aboriginal and Torres Strait Islander people—not whitefella
solutions but solutions led by local people and local communities. Smoking was one area where we were seeing some success, but that program has been cut. We have had nothing but weasel words from the government today. They have cut spending in health.

Question agreed to.

Commonwealth Scientific and Industrial Research Organisation

Senator WHISH-WILSON (Tasmania) (16:39): I move:

That the Senate take note of the answer given by the Cabinet Secretary (Senator Sinodinos) to a question without notice asked by Senator Whish-Wilson today relating to the Commonwealth Scientific and Industrial Research Organisation.

You know my state of Tasmania well, Mr Acting Deputy President Back, but you may not have been down there this summer. We have seen a summer like no other. Half the state has been burning from unprecedented dry lightning strikes—which are extremely rare. While the west coast was burning, the other half of the state received record rainfalls. We have seen warming water temperatures—the highest on record. The salmon industry is struggling with the warming waters and issues with oxygen. The oyster industry has experienced viruses they have never seen before. That could potentially decimate 90 per cent of the oysters in Tasmania.

We have seen drought reduce our dams, lakes and hydro to the lowest levels we have ever seen. We have seen bushfire smoke threaten the wine industry and the bee industry. We could not pick a worse time to renegade on our climate change research in Australia. To back up what every Tasmanian and no doubt other Australians have seen this summer, yesterday it was reported that data released by NASA shows that February was the hottest month on record, ever, by a significantly larger margin than was forecast. Eminent scientists all around the world have called this 'stunning', 'completely unprecedented', 'a true shocker' and 'a climate emergency'. This is the global response to new data that is being released.

Why are CSIRO and its new CEO, who has been appointed to a two-year term, gutting the oceans and atmosphere division by cutting 350 jobs of the world's best climate scientists? I have looked them in the eye in the last week, as they have rolled through to tell their evidence to the Senate committee, and I have seen how devalued they feel that their life's work is being thrown in the dustbin by a new CEO at CSIRO and a government that claims that it cannot do anything about it because of political interference. These scientists have worked for years—since well before we acknowledged the existence of climate change. The work they do is absolutely critical to the adaptation and mitigation work we need to do to survive in a world of runaway climate change. Anyone who does not think it is running away is either hiding under a rock or they have got rocks in their head.

I asked questions today around the process that CSIRO have gone through, using private emails to conduct so-called restructuring or reprioritisation within CSIRO. The Senate heard that they had used private emails and they only admitted this when asked. When asked why they were using private emails, we did not get an adequate explanation. The reason that they have now provided those private emails back to the CSIRO—this is presumably the CEO and the executive team—is because an order for the production of documents came through from the Senate. We are doing our job, scrutinising the process that is leading to some of the
world's best climate scientists being made redundant and being told their work is no longer necessary or important.

How could you look at the headlines today and axe 350 of the world's best scientists in the oceans and atmosphere division? They are the ones who monitor, who have their finger on the pulse. How can you manage what you do not monitor, model and measure? In my four years in the Senate I cannot think of a more stupid decision by a government department, to make an ideological decision—

Senator Cameron interjecting—

Senator WHISH-WILSON: This is very serious, Senator Cameron—to cut climate research and our contribution to global climate science at a time when the world is facing dangerous climate change and we need to do something about it. It will ruin the Tasmanian economy. These climate scientists are the backbone of the community in Hobart, and they are big contributors to the economy but also to our research efforts all around the world.

There was an editorial in the New York Times on CSIRO's cuts. That is how serious this issue is. That is how much the world is disgusted with our lack of commitment following Paris. We have to reverse these cuts, and we can start by getting an explanation from CSIRO about the process they have taken to sack some of the best climate scientists in this country.

(Time expired)

Question agreed to.

NOTICES

Presentation

Senators Bilyk and Polley: To move:
That the Senate—
(a) notes that:
(i) the 6th National Day of Action against Bullying and Violence is being held on Friday, 18 March 2016,
(ii) this annual day is Australia's key anti-bullying event for schools, and encourages all students to 'take a stand together' against bullying and violence in schools, the classroom and beyond,
(iii) cyberbullying is a serious concern for young Australians, and it can happen at any time where there is access to online technology, and
(iv) everyone has a role to play to keep children safe from bullying and violence; and
(b) calls on the Government to urgently act to legislate against 'revenge porn' which is extremely distressing, demeaning and can lead to real world violence and harassment.

Senator Fifield: To move:
That consideration of the business before the Senate on Wednesday, 16 March 2016, be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable Senator Paterson to make his first speech without any question before the chair.

Senator Singh: To move:
That the Senate—
(a) notes that:
(i) 14 March 2016 marks Commonwealth Day for 2.2 billion people living in 53 countries,
(ii) in 1987, when Commonwealth leaders met in Vancouver, more than 350,000 cases of polio paralysed and killed children in 125 countries annually, and in the following year, the Global Polio Eradication Initiative (GPEI) was formed, bringing together Rotary International, the Centers for Disease Control and Prevention [CDC], the World Health Organization [WHO] and the United Nations Children's Emergency Fund [UNICEF] united in a common cause: to eradicate polio once and for all,

(iii) as India and Nigeria have recently been removed from the list of polio endemic countries, polio remains endemic in just one Commonwealth country – Pakistan – where progress has been significant, with 80 per cent fewer cases being recorded in 2015 compared to 2014,

(iv) in the words of the new Commonwealth Secretary-General Designate, The Rt Hon Baroness Patricia Scotland, the eradication of polio is ‘an exemplary example of what the Commonwealth can do when it collaborates and works together with focus to bring something about’,

(v) a funding gap of $1.5 billion for implementing the GPEI’s current strategic plan threatens to derail this progress,

(vi) investment in polio eradication will yield the ultimate return for future generations of children who will be free of this devastating disease while global health will benefit from the program's knowledge and experience, as was demonstrated in 2014 when the use of polio infrastructure enabled Nigeria to stop the spread of Ebola,

(vii) the full eradication of polio could be the first milestone success of the new Sustainable Development Goals, providing the blueprint for reaching children with life-saving interventions in some of the most remote, vulnerable and socially-excluded communities and living up to the theme of Commonwealth Day 2016 of 'An Inclusive Commonwealth', and

(viii) at the most recent Commonwealth Heads of Government Meeting held in Malta in November 2015, Commonwealth leaders, including Prime Minister Malcolm Turnbull, agreed to accelerate action and renew financial support to eradicate polio once and for all; and

(b) calls on the Australian Government to follow through on this renewed commitment and pledge to the GPEI.

Senator Di Natale: To move:
That the Senate—
(a) notes that:
(i) clean energy is the key to Australia’s future prosperity and supports the jobs, investment and technological innovation that is created in Australia through clean energy technologies,

(ii) Australia was on track to achieve around 28 per cent of its electricity sourced from clean energy in the year 2020 until the Government and Opposition voted together to lower the target to 23 per cent in June 2015, and

(iii) as a result of Australia being the first country in the world to have reduced its legislated renewable energy aspirations, no wave of new jobs and construction have commenced 9 months after the passage of the Renewable Energy (Electricity) Amendment Act 2015 (the Act), despite significant global capital seeking to invest in the energy systems of the future; and

(b) urges energy retailers, Origin Energy and Energy Australia to make their intentions clear whether they will facilitate the imminent construction of new Australian clean energy projects or whether they will pass the penalty price for non-compliance with the Act onto their Australian customers.

Senators Wang, Nash, Cash, Moore and Peris: To move:
That the Senate—
(a) notes the tragic loss of Sarah Tait, Australian rowing champion, following her battle with cervical cancer;
(b) expresses sincere condolences to Sarah's husband Bill and their children Leila and Luca, Sarah's parents Simon and Barbara, and Sarah's family and friends for their loss;

(c) expresses gratitude for the important services and support that Sarah and her family received from the Royal Women's Hospital in Victoria, the Peter MacCallum Cancer Centre and the Caritas Christi Hospice that helped Sarah maintain her quality of life with her children and family;

(d) acknowledges that Sarah Tait is an inspiration to all Australians, especially Australian women in sport, having achieved great personal and professional heights, including:

(i) receiving a silver medal in 2000 at the age of 17 for her efforts as part of the Junior Women's Four at the World Rowing Junior Championships in Croatia,

(ii) competing in the 2004 Athens and the 2008 Beijing Olympic Games,

(iii) winning the World Championships in Japan as part of the Women's Eight in 2005, and winning a silver medal as part of a pair at that same regatta,

(iv) securing a bronze medal in the coxless pairs at the World Rowing Championships held in Slovenia in 2011,

(v) winning a silver medal at the 2012 London Olympic Games following the birth of her daughter, Leila,

(vi) captain the Australian women's rowing team at the 2008 and 2012 Olympic Games,

(vii) captaining the 2010 and 2011 World Rowing Championships, and

(viii) being a positive role model for mothers in professional sport and inspiring Rowing Australia's family friendly policy, and more broadly cultivating a more family friendly environment for coaches and athletes in competitive sport;

(e) notes that cervical cancer is the fourth most common cancer in women, and is sadly one of the most difficult cancers to detect; and

(f) acknowledges that the Minister for Health (Ms Ley) will announce the Medical Research Future Fund (MRFF) advisory board members in the near future, and that the appointment of board members to the MRFF will enable the consideration of further research into the detection, prevention and treatment of rare types of cervical cancer.

Senator Hanson-Young: To move:
That the Senate—

(a) notes that the week beginning 13 March 2015 marks the 5th anniversary of the beginning of the Syria crisis, and that since the conflict began:

(i) between 250,000 and 470,000 people have lost their lives, and 11 million people have been forced to flee their homes, including 4.5 million refugees,

(ii) the Syrian Government has forcibly 'disappeared' at least 65,000 people, including human rights activists and aid workers,

(iii) all parties to the conflict have committed war crimes and human rights violations, including murder, torture and rape,

(iv) many of those remaining in Syria are struggling to survive without access to lifesaving humanitarian aid due to the actions of warring parties and insufficient funding for humanitarian appeals,

(v) the recent cessation of hostilities and peace talks are a cause for cautious optimism, but the situation on the ground in Syria remains dire for millions of people,

(vi) the Australian Government has provided $213 million in aid to the people of Syria since 2011,
(vii) the Australian Government in 2015 committed to resettle 12,000 refugees from Syria and Iraq, only 26 of whom have been settled in Australia to date, and

(viii) the Australian Government played an important role during 2013-14 on the United Nations Security Council negotiation resolutions aimed at improving humanitarian access for vulnerable populations within Syria; and

(b) calls on the Turnbull Government to:

(i) increase diplomatic efforts to demand all parties to the conflict abide by the rules of war and protect civilians,

(ii) provide further humanitarian assistance to vulnerable people inside Syria, as well as refugees who have fled the conflict and are now in Lebanon, Jordan, Turkey and other countries in the region,

(iii) expedite the resettlement of the 12,000 Syrian and Iraqi refugees that the Australian Government committed to resettle in 2015,

(iv) take all possible steps to avoid harming civilians during any Australian military operations, and

(v) work to ensure people fleeing Syria are treated fairly, including by increasing assistance to refugee-hosting countries.

Senator Ludlam: To move:

That the Senate—

(a) notes that:

(i) the expensive, intrusive and ultimately pointless mandatory telecommunications data retention scheme was introduced in the 2015-16 Budget at a cost to taxpayers of $153.8 million,

(ii) mandatory data retention forces Australian Internet service providers and telecommunications carriers to retain comprehensive records on their customers' Internet and telephone habits for a period of 2 years,

(iii) the full cost of the scheme is in excess of $300 million but costs just 15 cents per day to circumvent via simple steps such as those helpfully articulated by the Prime Minister (Mr Turnbull), and

(iv) since the Australian Labor Party supported the Government in passing the bill, the number of additional agencies requesting warrantless access to metadata has included the Australian Taxation Office, the Australian Border Force and the Victorian Racing Integrity Commissioner; and

(b) calls on the Government to repeal the scheme.

Senator Reynolds: To move:

That the time for the presentation of the report of the Joint Standing Committee on Electoral Matters on its inquiry into financing of participants in the political process be extended to 22 June 2016.

Senator Waters: To move:

That there be laid on the table, no later than 9.45 am on 17 March 2016, the following documents assembled by Dr Alex Wonhas and now held by the Commonwealth Scientific and Industrial Research Organisation (CSIRO) or the Minister for Industry, Innovation and Science, relating to the restructuring of the CSIRO Oceans and Atmosphere division:

(a) the written briefing prepared in December 2015 by Dr Ken Lee, Director of the CSIRO Oceans and Atmosphere division for submission to the CSIRO executive for the 'Deep Dive' meeting;

(b) documents from November to December 2015 demonstrating the consultation that was undertaken with the Oceans and Atmosphere Flagship Research Program Leaders in preparing the above briefing;
(c) any written communication from Dr Alex Wonhas or Dr Larry Marshall to the CSIRO Oceans and Atmosphere division subsequent to the briefing mentioned in paragraph (a) requesting a proposal for more extensive restructuring;

(d) documents from January 2016 demonstrating any consultation that was undertaken by Dr Ken Lee with the Oceans and Atmosphere Flagship Research Program Leaders in developing the proposal for more extensive restructuring;

(e) all written communication from December 2015 until the present between the CSIRO Oceans and Atmosphere Flagship and either Dr Wonhas or Dr Marshall in relation to any proposed more extensive restructuring, including:

(i) communications detailing the scope, rationale and implications of the restructuring,

(ii) guidelines or criteria to be used in choosing specific areas to be restructured, and

(iii) the rationale for a reduction of 100 equivalent full-time staff;

(f) documents from December 2015 until the present demonstrating the consultation process that is being undertaken with the Oceans and Atmosphere Flagship Research Program Leaders, including guidelines or criteria being used, to determine the specific research groups and teams to be restructured;

(g) any written briefings for Dr Wonhas or Dr Marshall for the CSIRO executive meeting on or around 27 January 2016 concerning proposed restructuring in the CSIRO Oceans and Atmosphere Flagship;

(h) the minutes or other records of any CSIRO board meeting which considered the restructuring of the Oceans and Atmosphere Flagship;

(i) all project description and project budget documents for projects concerning the Cape Grim observing station and the associated Gas Lab analysis, for the past 5 years up to and including 2015-16; and

(j) any written communication between Dr Marshall and CSIRO staff concerning clean coal technology from November 2015 until the present.

**Senator Waters:** To move:

That the Senate—

(a) notes that:

(i) the Chief Scientist, Dr Alan Finkel, stated on the Australian Broadcasting Corporation's Q&A program that Australia is 'losing the battle' against global warming,

(ii) Professor Terry Hughes has told 'The Conversation' that Australia can either develop new coal mines or protect the Great Barrier Reef, but 'we can't possibly do both',

(iii) coral bleaching caused by global warming has already caused the Great Barrier Reef Marine Park Authority to raise its bleaching alert to Level 2, and the United States' National Oceanic and Atmospheric Administration has upgraded its Coral Reef Watch warning for the far northern Great Barrier Reef to Alert Level 2, the highest threat level, and

(iv) the mining and burning of coal is driving dangerous global warming which threatens the Great Barrier Reef; and

(b) calls on the Federal Government to abandon its support for the Adani mega coal mine and Abbot Point coal port expansion, and support a rapid transition to 100 per cent clean energy as soon as possible, and at least 90 per cent clean energy by 2030.

**Senator Cameron:** To move:

That the resolution of the Senate of 15 March 2016 relating to the hours of meeting and routine of business for the week be amended as follows:
(a) in paragraph (4) add to the list of bills “Fair Work Amendment (Protecting Australian Workers) Bill 2016 (contingent on introduction)”; and

(b) add the following new paragraph “(4) (c) for the purposes of this order, the consideration Fair Work Amendment (Protecting Australian Workers) Bill 2016 be listed and considered as a government business order of the day.”.

Senator McKim: To move:

(1) That a select committee, to be known as the Select Committee on Response to Fires in the Tasmanian Wilderness World Heritage Area, be established to inquire into and report, on or before 30 May 2016, on the response to, and lessons learned from, recent fires in remote Tasmanian wilderness affecting the Tasmanian Wilderness World Heritage Area, with particular reference to:

(a) the impact of global warming on fire frequency and magnitude;
(b) the availability and provision of financial, human and mechanical resources;
(c) the adequacy of fire assessment and modelling capacity;
(d) Australia’s obligations as State Party to the World Heritage Convention;
(e) world best practice in remote area fire management; and
(f) any related matter.

(2) That the committee consist of 6 senators, 2 nominated by the Leader of the Government in the Senate, 2 nominated by the Leader of the Opposition in the Senate, 1 nominated by the Leader of the Australian Greens and 1 nominated by other parties and independent senators.

(3) That:
(a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or any minority groups or independent senators; and
(b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee.

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

(5) That the committee elect as chair a member nominated by the Leader of the Australian Greens, and elect as deputy chair a member nominated by the Leader of the Opposition.

(6) That the deputy chair shall act as chair when the chair is absent from a meeting of the committee or the position of chair is temporarily vacant.

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

(8) That 3 members of the committee constitute a quorum of the committee.

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

(10) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings, the evidence taken and such interim recommendations as it may deem fit.
(11) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.

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

Senator Siewert: To move:
That the Senate—
(a) notes that:
(i) compulsory income management failed to meet policy objectives as assessed by the final evaluation of the Northern Territory Intervention,
(ii) the cashless welfare card is a harsher form of income management, and
(iii) the evidence suggests that the cashless welfare card will not help people struggling with substance abuse, and may hurt many people on income support; and
(b) calls on the Government to:
(i) abandon income management,
(ii) halt the unnecessary cashless welfare card trial in Ceduna, and
(iii) adopt evidence-based policy that will genuinely support individuals and communities struggling with substance abuse.

Senators Carr, Xenophon, Madigan and Wang: To move:
That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 25 August 2016:
The state of Australia's rail industry and how government procurement, including through the Australia Rail Track Corporation, and other policy levers can improve the value for money, competitiveness, stability of work and capability of the rail manufacturing industry, with specific reference to:
(a) the importance of the national rail industry as a regional employer and activity generator, and the potential costs of further decline of rail manufacturing on the national and relevant regional economies;
(b) the state of the rail industry, barriers to growth and improved productivity, and the potential of Australia's rail industry as a skills and technology incubator, supplier of domestic rail needs as well as potential exports;
(c) the potential for Australia to benefit from a nationally-coordinated approach to rail manufacturing standards and rail procurement projects given the size of the Australian rail industry; and
(d) any other related matters.

Senator Back: To move:
That the Senate recognises that:
(a) 14 March marks Commonwealth Day for 2.2 billion people living in 53 countries;
(b) in the words of the new Commonwealth Secretary-General Designate, The Rt Hon Baroness Patricia Scotland, the eradication of polio is 'an exemplary example of what the Commonwealth can do when it collaborates and works together with focus to bring something about';
(c) in 1987, when Commonwealth leaders met in Vancouver, more than 350,000 cases of polio paralysed and killed children in 125 countries annually, and in the following year, the Global Polio Eradication Initiative (GPEI) was formed, bringing together Rotary International, the Centers for
Disease Control and Prevention [CDC], the World Health Organization (WHO) and the United Nations Children's Emergency Fund (UNICEF) united in a common cause: to eradicate polio once and for all;

(d) today polio remains endemic in just one Commonwealth country – Pakistan – following the removal of both India and Nigeria from the list of polio endemic countries in recent years, and even in Pakistan progress has been significant, with 80 per cent fewer cases being recorded in 2015 compared to 2014;

(e) a funding gap of $1.5 billion for implementing the GPEI's current strategic plan threatens to derail this progress;

(f) at the most recent Commonwealth Heads of Government Meeting held in Malta in November 2015, Commonwealth leaders, including Prime Minister Malcolm Turnbull, agreed to accelerate action and renew financial support to eradicate polio once and for all;

(g) the Australian Government has committed up to $72 million to polio eradication over 5 years, of which up to $36 million is committed to the GPEI from 2015 to 2018;

(h) Australia has contributed a total of US$67.35 million to the GPEI from 1985 to 2014, ranking the third highest Commonwealth donor, behind the United Kingdom and Canada;

(i) strong routine immunisation systems and national health systems are critical to prevent polio resurgence and other communicable disease outbreaks;

(j) in addition, Australia's core contributions of $12.4 million to the WHO for 2015-16, $21 million to UNICEF, and $250 million pledged to Gavi, the Vaccine Alliance for 2016-2010, also support routine immunisation, including polio;

(k) living up to the 2016 Commonwealth Day theme 'An Inclusive Commonwealth', the full eradication of polio could be the first milestone success of the new Sustainable Development Goals, providing the blueprint for reaching children with life-saving interventions in some of the most remote, vulnerable and socially-excluded communities; and

(l) investment in polio eradication will yield the ultimate return – future generations of children will be free of this devastating disease while the health of the world will long benefit from the program's knowledge and experience, as was demonstrated in 2014 when the use of polio infrastructure enabled Nigeria to stop the spread of Ebola.

Senators Muir, Day, Wang, Lazarus, Lambie and Leyonhjelm: To move:

That the Senate—

(a) notes:

(i) that the building and construction industry is a significant driver of economic activity in Australia, producing around 8 per cent of Australia's gross domestic product,

(ii) that the building and construction industry comprises over 330,000 businesses nationwide, and directly employs over one million people, which is around 9 per cent of the total workforce,

(iii) comments by the Treasurer (Mr Morrison) in The Australian on 1 February 2016 where he stated that re-establishing the Australian Building and Construction Commission (ABCC) was an important economic reform that must be passed by this Parliament,

(iv) that the Prime Minister (Mr Turnbull) has stated that re-establishing the ABCC was absolutely vital, and

(v) that it has had an opportunity to debate legislation to reinstate the ABCC but has declined to do so; and

(b) calls on the Government to amend the resolution agreed to on 15 March 2016 relating to the hours of meeting and routine of business for the week beginning 13 March 2016 by adding to the list of bills in paragraph (4) the “Building and Construction Industry (Improving Productivity) Bill 2013
[No.2] and Building and Construction Industry (Consequential and Transitional Provisions) Bill 2013 [No. 2]”.

Senator Carr: To move:
That there be laid on the table by the Minister representing the Minister for Industry, Innovation and Science, no later than 9.30 am on Thursday, 17 March 2016:

(a) all documents that were ordered to be laid on the table by the Senate on 29 February 2016 relating to the restructuring of the CSIRO Oceans and Atmosphere division;

(b) any briefing or correspondence from the CSIRO to the Minister or the Department of Industry, Innovation and Science relating to the order for production of documents agreed by the Senate on 24 February 2016 relating to the restructuring of the CSIRO Oceans and Atmosphere division;

(c) any briefing or correspondence from the CSIRO to the Minister or the Department of Industry, Innovation and Science relating to the orders for production of documents agreed by the Senate on 29 February 2016 relating to the restructuring of the CSIRO Oceans and Atmosphere division; and

(d) any documents held by the CSIRO relating to the orders for production of documents agreed by the Senate on 24 February and 29 February 2016 relating to the restructuring of the CSIRO Oceans and Atmosphere division.

Senator Collins: To move:
That the Senate—

(a) rejects the public interest immunity claim made by the Minister for Finance and the Special Minister of State, Senator Cormann, on Thursday, 3 March 2016, asserting that the disclosure of communications between ministers, ministerial staff, departmental officers and the Australian Electoral Commission relating to changes to voting laws on the grounds 'that this would disclose information that formed part of the deliberations of Cabinet' and that 'disclosure of this material would be contrary to the public interest';

(b) further rejects the decision of the Minister to claim public interest immunity on redacted portions of other documents 'on the grounds that some relate to Cabinet deliberations; to the commercial interests of the Commonwealth which would be harmed in the event of disclosure; and to the private information of Commonwealth officers (including junior officer information)'; and

(c) orders that there be laid on the table by the Special Minister of State, no later than noon on Thursday, 17 March 2016, all documents recording communications with the Australian Electoral Commission by:

(i) the Minister for Finance,

(ii) the Acting Special Minister of State,

(iii) the Special Minister of State, and

(iv) the Department of Finance,

relating to proposed changes to the Senate voting system, including the Commonwealth Electoral Amendment Bill 2016, since 1 September 2015.

BUSINESS
Postponement

Senator WATERS (Queensland—Co-Deputy Leader of the Australian Greens) (16:45): by leave—I move:
That business of the Senate notice of motion no. 1 standing in my name for today, proposing a reference to the Environment and Communications References Committee, be postponed till the first day of sitting in May 2016.
Question agreed to.

**Consideration of Legislation**

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (16:45): I move:

That the following general business orders of the day be considered on Thursday, 17 March 2016 under consideration of private senators' bills:

- No. 84 Social Security Amendment (Diabetes Support) Bill 2016
- No. 68 Parliamentary Joint Committee on Intelligence and Security Amendment Bill 2015.

Senator SIMMS (South Australia) (16:46): I move the amendment circulated in my name:

Omit "No. 68 Parliamentary Joint Committee on Intelligence and Security Amendment Bill 2015", substitute "No. 16 Marriage Equality Amendment Bill 2013."

The motion that I am moving today on behalf of the Greens seeks to make private senators' time available on Thursday to deal with the issue of marriage equality.

Senator Cameron: What a joke! What an absolute joke!

Senator SIMMS: We have heard a lot of bluster from the Labor Party on this issue today, and I am hearing it now from Senator Cameron, from his interjection. But the Greens are serious about this issue. We have been campaigning on it for decades and we want to see action in this parliament on the issue. If the Labor Party are serious about this issue, they will support the Greens in making their private senators' time available so that we can deal with this this week.

I have seen some interesting material circulated online on behalf of the Australian Labor Party referring to the Greens voting against our bill on marriage equality. That is a complete lie. That is completely untrue. However, the Australian Labor Party have voted against the Greens bill on marriage equality. They voted against it back in 2008, when the Greens first put this matter to vote. Labor voted against the Greens bill and they sat over there with the coalition, cosyng up to their mates over in the Liberal Party, to try and kill off that reform. The great love affair at the centre of Australian politics, between the Labor and Liberal parties, was alive and well back in 2008.

That great love affair was also alive and well back in 2004, when the Australian Labor Party voted with the coalition to amend the Marriage Act to say that marriage was only between a man and a woman. Who stood up and said that that was the wrong thing to do? Who came out in the parliament and opposed that draconian measure? It was not the Labor Party. They were saddling up to the Liberals. It was the Greens senators—and the Democrat senators at that time as well—who stood up and who spoke out against that blatant homophobia. That is the track record of our party, and I will happily have that matched against the record of the Labor Party any day of the week.

Any Australian who follows this debate knows full well that the Greens have the track record when it comes to marriage equality. After all, it is our bill that Senator Leyonhjelm sought to have dealt with this week, earlier today, and it is our bill that we are seeking to have dealt with on Thursday in private senators' time. It is time that we saw more than just a debate on this issue and that we also saw a vote on the issue of marriage equality, here in the Senate.
and in the lower house as well. I saw some comments from Bill Shorten to that effect recently, saying that we should deal with this issue this week. Absolutely. Let us bring it on.

We have seen in the last few days the costs associated with a plebiscite—the enormous cost to our economy and the huge social cost to our community. The parliament does have the authority and the power to resolve this matter, and we should do so. We can start by having a vote in the parliament sometime this week. But we can also have this issue debated on Thursday. Labor have said they want to see this issue dealt with this week. We do too, so our challenge to the ALP is to make their private senators' time available so that we can deal with this matter. It is a private senator's bill and it should be dealt with in private senators' time. If the Labor Party want to have a debate about equality and who has the strongest record of standing up for LGBTI people, bring it on. Bring it on, because the Greens will win that debate, because we have got the proven track record and it is the Labor Party that are always missing in action—flip-flopping, backflipping and saddling up to the Liberals. No more hypocrisy—support this motion and let us get this done.

Senator MOORE (Queensland) (16:50): We will be supporting this amendment, though we find it extremely strange that Senator Simms could be claiming total ownership of marriage equality. I have spoken many times in this place about these significant issues. Many senators feels very strongly on them, and we all have a record of speaking in this place. Check the Hansard about what people have said in this place. I think that would be useful.

We are also particularly interested—and Senator Wong will be taking on this issue—that we now have the Greens telling Labor what our private senators' business should be. That has never happened in this place before. There is negotiation, discussion. I do not believe that was discussed openly in the yelling across the chamber that occurred in this morning's debate. Greens, if you are wanting to take our private senators' business, perhaps a simple contact would have been useful. We have never done that to you, ever, in terms of the process of private senators' business. I know that Senator Wong will be taking further discussion of this process, but it is a sorry day that people actually lay claim to being the owners of any form of social policy.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (16:52): I am indebted to my colleague for making a contribution on this matter. Let us understand what is occurring here. Although I think he might have said some unwise things—because very few people get Senator Moore angry, and you got Senator Moore angry, because she cares about this issue—I do have some regard for Senator Simms and his position on this issue and his advocacy for the community. But what he is doing today is attempting by this motion to recover some moral authority from the position he and his party took this morning.

Let us understand what happened this morning. The Greens have agreed to an hour's motion, which has a list of bills which have to be resolved prior to the Senate going home. Of course, the most important amongst those from the government's and the Greens' perspective is the changes to Senate voting—the largest changes in 30 years that they want to push through the Senate without a proper inquiry; leaving that aside.

*Government senators interjecting—*

**Senator WONG:** What Senator Leyonhjelm sought to do was to add to that list, the list of bills that had to be brought to a vote before the Senate rose. He sought to add to that list,
Senator Hanson-Young's bill on marriage equality, which I think Senator Simms is taking on. That would have meant that the hour's motion, which required us all to stay until we finish the bill on changes to the Electoral Act—that motion would have required the whole Senate to stay to vote on marriage equality on your own legislation, and you voted against it. The reality is the Greens had an opportunity earlier today—

Senator Di Natale interjecting—

Senator WONG: Thank you, Senator Di Natale. I am happy if you keep interjecting. It is interesting.

Senator Di Natale interjecting—

Senator WONG: Senator Di Natale, I have not gagged you, mate. You are the one that gagged me on marriage equality, and I will never let you forget it. I have never gagged you, and you gagged me today on marriage equality. Do not worry. I am not ever going to forget that.

The PRESIDENT: Speak through the chair, Senator Wong.

Senator WONG: But the Greens today had an opportunity to back a motion on marriage equality that would have delivered a vote. Now what they are doing is demanding one hour of private senators' business that they know is unlikely to come to a vote, because when has a bill like this—

Senator Di Natale interjecting—

Senator WONG: Is he going to keep interjecting the entire speech, or just occasionally?

The PRESIDENT: I remind all senators not to interject.

Senator Di Natale interjecting—

Senator WONG: 'Pot, kettle, black'—is that what you said? Okay. You know what? The lack of courage in your leadership is extraordinary.

The PRESIDENT: Speak through the chair, Senator Wong.

Senator WONG: You had an opportunity today. The Greens had an opportunity. I will just turn my back and I will talk to you, Mr President. You see such a lovely face.

The PRESIDENT: That is the correct way of doing it, Senator Wong.

Senator WONG: I am happier to talk in this direction than that direction.

Senator Di Natale interjecting—

Senator WONG: Oh, dear me. I will take that interjection. Senator Di Natale, who is almost hysterical today, claims that we are looking rattled. We are not the ones doing deals with the Libs in Victorian seats and targeting Mr Albanese and Ms Plibersek. We are not the ones voting against the marriage equality vote. We are not the ones voting with Cory Bernardi. You are the ones voting with Cory Bernardi, Senator Di Natale and his friends. But I will come back to this point.

The reality is that today the Greens have refused to support a motion that would have caused a vote on a bill on marriage equality in this Senate before everyone went home. We would have had to continue debating it until that happened. Instead, what they are proposing is a one-hour debate on Thursday, with no guarantee of a vote or an outcome. Anybody listening, please understand this: the reason they are yelling at me is because I am saying it as
it is. They had an opportunity today, which they squibbed, to deliver a vote on marriage equality in this Senate. No-one could have gone home until it had happened, but they squibbed it, because what was more important was their deal with the government on Senate voting. It is pretty extraordinary, isn’t it?

Now they want us to agree to their private senators' business motion. They want to change what is to be debated. We are prepared to support that, but they know it will be an hour-long debate. They know it will not come to a vote. We understand in this chamber, and I think anybody who has been following this today understands, what this is. This is an attempt to try and make themselves look better. This is an attempt to cover up the fact that you voted with senators Abetz and Bernardi to prevent debate on a marriage equality bill. This is the Greens trying to justify the position they took this morning—’every green, every vote, every time’, except for today.

It will be an hour-long debate. The bill that is being debated is my bill, and I will say: ‘Yes, fine. You want a debate on marriage equality? We will put it on too. We will have the debate.’ We know and you know that it will not be brought to a vote, and that is what angers us the most. What angers us the most is the pious lecturing from the Greens, over and over again, about how principled they are on marriage equality. That piousness evaporated today as Senator Di Natale led them over the other side to sit with people like Senator Abetz and Senator Bernardi, who are vehemently opposed to marriage equality, to ensure we did not get a full debate and a vote.

Instead, what they offer is some attempt to make themselves look better and an attempt to recover some moral authority. They offer up an hour and say: ‘See. We're really serious. We weren't this morning. Oops, we weren't this morning.’ That is the reality about the position of the Australian Greens. It is a sort of combination of spinelessness and incompetency, if I may say, because they had the opportunity this morning and they squibbed it, and now they want to make Australians believe that an hour-long debate is somehow the same. This is cynical politics at its best, and the Australian Greens know that. You have to wonder what it takes for Senator Di Natale and his colleagues to sit on the same side, when it comes to marriage equality, as Senator Bernardi and Senator Abetz.

Senator Di Natale is going to get on his feet now. I look forward to this, and I might seek leave to make a statement afterwards to make up for the time he tried to gag me. How about that? I will let him speak.

Senator DI NATALE (Victoria—Leader of the Australian Greens) (17:00): Thank you, Senator Wong, for letting me speak. I appreciate that. Just a couple of things about the contribution we have just heard from Senator Wong: no-one for a moment could suggest that the issue of marriage equality has not received due consideration in this parliament and more broadly. It is an issue that has dominated the national debate for many, many months. It is an issue where I think the opinions of all sides of politics are well known, and we have an opportunity to bring this on for a vote on Thursday. This will be simply a question for the Labor Party. The question is a simple one: does the Labor Party have enough support for marriage equality within its own ranks to carry that vote, or has this whole exercise been simply a cynical tactic on an issue that is far more important and deserves a much more thorough debate?
We now have a debate on marriage equality this week, and I have to say I acknowledge and thank the Australian Labor Party for supporting our motion to bring that on. It is terrific when we get cooperative politics in this place. So we now have an opportunity to debate a longstanding Greens position through a bill in the name of Senator Hanson-Young that would effectively ensure that discrimination in marriage is ended once and for all. Whether that comes on for a vote is simply a question for the Australian Labor Party. We will be doing our best to ensure that that legislation comes on for a vote. To hide behind the idea that it simply is an issue that has not received the sort of debate that it requires before it is voted on is again an example of the Labor Party not treating this issue with, I think, the seriousness that it deserves.

I just have a few points about the voting record of the Greens on important pieces of legislation. When it comes to locking up young children in detention centres, it is, indeed, the Labor Party that sits with Cory Bernardi and Eric Abetz.

The PRESIDENT: Senators Abetz and Bernardi.

Senator DI NATALE: When it is about implementing gag orders that would prevent doctors from speaking out against abuses—a change that the Labor Party originally opposed and that would ensure that doctors would be treated as criminals for speaking out about abuse in detention centres—it was the Labor Party that sat with Cory Bernardi and Eric Abetz.

The PRESIDENT: Senator Di Natale, Senator Bernardi and Senator Abetz, thank you.

Senator DI NATALE: Senator Bernardi and Senator Abetz, Mr President. When it came to slashing the Renewable Energy Target, where were the Labor Party? They were sitting right next to the coalition—sitting right next to Senator Bernardi and Senator Abetz. When it came to the mandatory retention of private information—data retention—it was the Australian Labor Party who sat with Senator Abetz and Senator Bernardi. When it comes to dropping bombs on the nation of Syria, it is, indeed, the Australian Labor Party that sits with Senator Bernardi and Senator Abetz. When it came to having a debate about whether the Australian parliament should have some say over our engagement in a foreign conflict, it was again the Australian Labor Party who sat with Senator Abetz and Senator Bernardi, preventing the parliament from having any sort of debate across those issues. So, if you would like to have a comparison of our voting record on progressive issues, bring it on.

We have the union movement engaged currently in a campaign to support the Labor Party in its campaign against electoral reforms. It is remarkable that the trade union movement did not support the campaign run by the Greens to not sign onto the free trade agreement. Indeed, with the free trade agreement we had the Australian Labor Party sitting next to Senator Bernardi and Senator Abetz. The list is long. I could go on and on and on.

If you want to compare our voting record in this parliament on a whole range of progressive issues, Senator Wong, bring it on, because there has been no party that has stood in resolute opposition to this government's agenda more than the Australian Greens. One-third of the time, we see the Australian Labor Party join with the coalition, compared to the Greens' six per cent. Senator Wong, you want to compare our voting record with yours? Well, bring it on. We stand proudly behind the reforms that we have supported in this parliament, and we stand even more proudly behind our opposition to a government that we do not support. But on so many things—as the issue of children in detention, the issue of slashing the
Renewable Energy Target, mandatory data retention and the war in Syria—you and the government have voted together.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (17:06): I seek leave to speak for five minutes. I did flag that earlier.

Leave granted.

Senator WONG: I thank the Senate, and I appreciate the courtesy that has been offered to me. I will just make a few points. The first is that Senator Di Natale claims that they are the ones that have been strongest against the 2014 budget. No, I reckon the federal opposition might have had a bit to do with the campaign against the 2014 budget. I reckon I might have seen members and senators from the Labor Party going out and arguing for Medicare, for fairness and against $100,000 degrees. So let's not try to pretend that did not occur. That is the first point.

The second point I would make—and I will be very brief—is that Senator Di Natale and the Greens want supporters of marriage equality to believe that an hour-long debate and a gag that they want to move is somehow better than Senator Leyonhjelm's motion today, which would have ensured, without a gag, a full debate and this issue being voted on before the Senate rose.

So we got an hour-long debate with, possibly, a gag, against a full debate where the Senate would have to resolve the issue of marriage equality before we went home. This is a cynical political ploy from the Greens, who are seeking to cover up the fact that today they voted with the government to prevent bringing on a vote and ensuring a vote for marriage equality. Everybody should understand that—an hour-long debate plus a gag.

I know that Senator Di Natale has become addicted to gags. He has voted with the government 100 per cent of the time on gags this week and at the end of the last sitting fortnight. He appears to think that is the best way to try to deal with the marriage equality issue too, because he did not have the courage today to do the right thing, which is to bring his Greens bill on and debate it. I thank the Senate.

Question agreed to.

The PRESIDENT: The question now is that the substantive motion be agreed to, with that amendment.

Question agreed to.

Leave of Absence

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (17:08): by leave—I move:

That leave of absence be granted to the following senators for personal reasons: Senator Fierravanti-Wells from 15 March to 17 March 2016, and Senator Heffernan from 15 March to 18 March 2016.

Question agreed to.

Senator McEWEN (South Australia—Opposition Whip in the Senate) (17:09): by leave—I move:

That leave of absence for parliamentary business be granted to Senator Singh for Wednesday 16 and Thursday 17 March 2016.

Question agreed to.
COMMITTEES

Reporting Date

The Clerk: Notifications of extensions of time for committees to report have been lodged in respect of the following:

Economics References Committee—non-conforming building products—extended from 16 March to 10 May 2016

Environment and Communications References Committee—Australia’s video game development industry—extended from 1 April to 29 April 2016

Foreign Affairs, Defence and Trade Legislation Committee—2015-16 additional estimates—extended from 15 March to 24 March 2016

Foreign Affairs, Defence and Trade References Committee—capability of Defence’s physical science and engineering workforce—extended from 17 March to 1 April 2016

The PRESIDENT (17:10): Does any senator wish to have the question put on any of those motions? There being none, we shall now move on.

BILLS

Fair Work Amendment (Protecting Australian Workers) Bill 2016

First Reading

Senator CAMERON (New South Wales) (17:10): I move:

That the following bill be introduced: A Bill for an Act to amend the Fair Work Act 2009, and for related purposes. Fair Work Amendment (Protecting Australian Workers) Bill 2016.

Question agreed to.

Senator CAMERON: 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 CAMERON (New South Wales) (17:11): I move:

That this bill be now read a second time.

I seek leave to table an explanatory memorandum relating to the bill and have the second reading speech incorporated in Hansard.

Leave granted.

The speech read as follows—

FAIR WORK AMENDMENT (PROTECTING AUSTRALIAN WORKERS) BILL 2016

The Fair Work Amendment (Protecting Australian Workers) Bill 2016 is a legislative expression of Labor's commitment to protecting the rights of vulnerable workers and punishing those who systematically abuse those rights.

It provides protections the coalition will never provide.

It deals with the serious and systematic contraventions of workplace laws and the abuse and denial of workers' rights that the coalition chooses to ignore.
Over the past couple of years, we have witnessed some of the most egregious cases of worker exploitation seen in Australia in decades. Exploitation that has been met, not with condemnation, but with silence and inaction by the Abbott and Turnbull governments.

In 2015 alone, we saw companies that are household names in Australian business involved in wholesale trampling of workers' rights.

We have seen subcontractors engaged by Myer employing cleaners on sham contracts under which workers were paid below award wages, denied penalty rates and superannuation and working without occupational health and safety protections.

We have seen 7-Eleven stores operating a business model based on methodical, systematic exploitation of vulnerable foreign workers that included gross underpayment of wages, doctoring of pay records designed to conceal unlawful conduct and workers subjected to threats of deportation and physical intimidation that has no place in a civilised society like ours.

We have seen revelations that Pizza Hut delivery drivers have been paid as little as six dollars an hour under rampant sham contracting arrangements that defy not only the law but any sense of decency.

We have seen supply chain arrangements adopted by Baiada Group in its poultry processing plants that rely on gross exploitation of temporary overseas workers; workers being forced to work dangerously long hours for far less than the minimum wage and to add insult to injury, being housed in overcrowded, substandard accommodation.

These are the visible examples of the illegality and exploitation of workers that is beginning to flourish under the Turnbull government. They are the tip of a very large iceberg.

In 2015-14 alone, the Fair Work Ombudsman recovered $23 million in wages owed to over 11,000 workers. At the same time, the Turnbull government has cut the Fair Work Ombudsman's budget. Labor on the other hand has made repeated calls for the Fair Work Ombudsman to have its funding and powers increased.

Employers who deliberately and systematically deny workers their rights not only deny working people the right to a fair day's pay for a fair day's work, they undercut employers who want to do the right thing, they undermine the integrity of the workplace relations system, they distort the labour market and they undermine the principles of fair competition that underpin a successful economy.

This bill is an important step towards cracking down on the underpayment and exploitation of workers that has become rife under the Abbott and Turnbull governments. It provides for increased penalties to be imposed on employers who deliberately and systematically deny workers the wages they are due.

It provides increased protection for workers against sham contracting.

It gives the courts the power to make orders to ensure company directors are personally liable for the unpaid wages of employees of companies under their control that have been involved in phoenixing activity.

It gives the courts the power to disqualify company directors involved in companies that are found to have deliberately engaged in serious contraventions of workplace relations laws.

It introduces new criminal offences for conduct that involves the use of coercion or threat within the meaning of slavery and slavery-like conditions of the Criminal Code where employers commit serious contraventions of the Fair Work Act 2009 in relation to temporary overseas workers.

These offences will relate to exceptional cases which warrant the public condemnation of criminality. They do not capture inadvertent conduct, or even intentional underpayments. This is reserved for the most serious behaviour which involves criminal coercion or threats.
Individuals who contravene these provisions may face fines in excess of $40,000, imprisonment for two years or both.

The main provisions of this bill will:

- Make it clear that the *Fair Work Act 2009* applies to all employees irrespective of their immigration status;
- Require the Fair Work Ombudsman to publish a Fair Work Information Statement containing information for employees about their rights under the *Fair Work Act 2009*, the relationship between workplace laws and the *Migration Act 1958* and the right of overseas workers to seek redress for contraventions of workplace laws;
- Provide additional protection for workers against adverse action taken against them because they question whether a workplace right exists or whether they are an employee or independent contractor;
- Introduce a "reasonable person" test in determining whether an employer has engaged in sham contracting;
- Give the courts the power to make orders requiring directors of phoenix companies to pay unpaid wages and other employee entitlements when a company of which they are a director is phoenixed;
- Increase the maximum penalties available for certain breaches of the *Fair Work Act 2009* in circumstances where the size of the company, the sophistication of its management systems and its existing statutory responsibilities in respect of its conduct should mitigate against serious contraventions occurring;
- Give the courts the power to disqualify company directors from managing a company in cases where there are proven serious and systematic contravention of workplace laws; and
- Introduce new criminal offences carrying pecuniary penalties and imprisonment for up to two years in cases involving contraventions that include coercion or threat within the meaning of Division 270—slavery and slavery like conditions—of the *Criminal Code*. One of these offences is directly related to coercion or threat directed at temporary overseas workers.

The principle behind these measures is that Labor puts people first.

This bill builds on Labor's strong record of protecting wages and conditions and cracking down on worker exploitation.

Only Labor understands that fairness at work helps to drive a more productive, competitive and prosperous economy.

Labor will not countenance Australia entering a race to the bottom on wages and conditions.

Currently, an employer who fails to properly pay workers is liable for a civil penalty of up to $10,800 per breach (60 penalty units) for a natural person or $54,000 for a corporation (300 penalty units).

These penalties are clearly an inadequate deterrent given the brazen and systematic underpayment of workers we have seen in the last 12 months.

Increased penalties will be available to the courts in respect of businesses that are not small businesses, and where the business has been involved in deliberate and systematic breaches of the *Fair Work Act 2009*.

Currently, the Fair Work Ombudsman does not commence proceedings against employers where contraventions of workplace laws are clearly inadvertent.

This bill doesn't change that position but what it does do is ensure the courts have a range of penalties available to them that can be imposed on employers who engage in the most egregious contraventions of workplace laws.
The Fair Work Ombudsman defines sham contracting as:

"... where an employer tries to disguise an employment relationship as an independent contracting relationship... to avoid having to provide employees with their proper entitlements".

Labor recognises that independent contracting is legitimate and for some people, quite desirable. People are perfectly entitled to work for themselves, but no-one should be required to trade off their wages, sick leave, annual leave, and occupational health and safety protections just to keep their job.

Sham contracting shifts the cost and risk of employment from the employer to the worker, discourages innovation and the development of human capital, creates health and safety risks and facilitates tax avoidance.

It is a pernicious practice that must be stopped.

Under the Fair Work Act 2009, it is unlawful for an employer to pretend that a worker is an independent contractor when the worker is really an employee – but only if the employer didn't know the worker was really an employee.

In its final report into the workplace relations system released in December 2015, the Productivity Commission found that, "it seems to be too easy under the current test for an employer to escape prosecution for sham contracting" and proposed instead a test of reasonableness in order to make a determination of whether a worker is an employee or independent contractor.

The Fair Work Review Panel established by Labor in 2012 also suggested a "reasonable person" test be a key determinant of the distinction.

This bill introduces that test.

Presently an employer who engages in sham contracting is liable for a civil penalty of up to $10,800 per breach for an individual and $54,000 for a body corporate.

The existence of sham contracting in high profile Australian companies suggests that the current penalties are inadequate to deter employers from engaging in sham contracting.

Just like failing to pay the legal wage, sham contracting makes it harder for employers who are doing the right thing to compete.

This bill increases the penalties for employers who rip off their staff. As the conduct is actually anti-competitive conduct, the penalties are in line with those that apply to other anti-competitive conduct.

The bill also includes measures that empower the courts to disqualify company directors of companies found to have engaged in sham contracting.

This bill introduces new sanctions to prevent exploitative employers escaping liability for wrongdoing through "phoenixing". Measures in this bill make company directors personally liable for debts in relation to wages and other entitlements owing to workers.

The recent Productivity Commission report on the workplace relations laws noted that, "there should be greater scope to pursue compensation from company directors of phoenix businesses that have engaged in exploitation."

Phoenixing involves the deliberate transfer of assets from an indebted company to a new company to avoid paying creditors, tax or employee entitlements.

Existing debts are left with the old company, which ends up entering administration or liquidation, leaving no assets to pay creditors including small businesses and workers.

Meanwhile, a new company, often operated by the same directors continues the business under a new structure. By engaging in this illegal practice, the directors avoid paying debts, including outstanding wages and other entitlements owed to workers.
In 2012, the Labor government amended superannuation laws to allow the Australian Taxation Office to hold directors personally liable for unpaid superannuation guarantee payments where "phoenixing" had been used in an attempt to avoid superannuation obligations to workers.

Establishing similar arrangements for unpaid employment entitlements builds on this positive reform.

As at June 2015 there were 732,750 people in Australia on temporary visas with work rights: 51.1 per cent (374,570) on student visas, 25.7 per cent (188,000) on 457 visas and 19.6 per cent (143,920) on working holiday maker visas.

Data from the Fair Work Ombudsman indicates that the rate of complaints about workplace issues made by temporary overseas workers is more than three times the rate for domestic employees.

The Productivity Commission has found that temporary overseas workers are more vulnerable to exploitation than are other employees. This is especially true for overseas workers who may be working illegally in Australia.

Exploitation of temporary overseas workers undermines wages and conditions for everyone. If an unscrupulous employer thinks they can get away with underpaying a foreign worker, then they are far less likely to employ an Australian worker who is more likely to know they're underpaid, and who is more likely to complain because they don't rely on the goodwill of the employer to stay in Australia.

Currently, it is a criminal offence to employ someone, or to refer someone to work, if they are not legally entitled to work in Australia.

It is an offence is punishable by two years' imprisonment. It is also an aggravated offence, punishable by five years' imprisonment if that worker is also exploited.

This bill creates a new criminal offence for those who deliberately exploit temporary overseas workers and fail to meet their obligations to the worker under the Fair Work Act 2009, even if they are employing the worker in accordance with the terms of their visa.

This offence will be punishable by up to 2 years imprisonment or a fine of up to $43,200 (240 penalty units) for a natural person, or a fine of up to $216,000 (1,200 penalty units) for a corporation.

The pervasive nature of the exploitation of temporary overseas workers indicates that specific penalties should be imposed to send a clear message that this behaviour is completely unacceptable in Australia.

As the law currently stands, it is not possible for foreign workers working unlawfully in Australia to take action under the Fair Work Act 2009 to recover unpaid wages.

This situation creates a perverse incentive for rogue employers to favour illegal workers over legal workers because it means they can avoid paying the wages that they owe.

The interim Productivity Commission report on the workplace relations laws found, "it may actually be cheaper to target workers who do not have an appropriate visa".

This bill will ensure any person who is underpaid will have recourse to action to recover what they are owed. The Fair Work Act 2009 will apply to everyone who is employed in this country, irrespective of their immigration status.

This bill extends fairness and rights at work to everyone who works in this country.

It seeks to bring an end to the racketeering that is threatening to corrupt labour markets in important sectors of the economy.

It seeks to bring an end to the kind of rip-offs, intimidation and beatings inflicted on staff of 7-Eleven stores.

It will help bring to an end to the days when employers like the Baiada Group have been able to use the corporate veil to not only conceal their illegal conduct, but to escape sanction when it is uncovered.
It will help bring an end to the disgusting exploitation of young workers at Pizza Hut franchises. This bill contains important protections that the Turnbull government has no intention of ever enacting.

I commend the bill to the Senate.

**Senator CAMERON:** I seek leave to continue my remarks later.

Leave granted; debate adjourned.

**COMMITTEES**

**Joint Committee of Public Accounts and Audit**

**Meeting**

**Senator BUSHBY** (Tasmania—Chief Government Whip in the Senate) (17:12): At the request of Senator Smith, I move:

That the Joint Committee of Public Accounts and Audit be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, from 10.30 am, as follows:

(a) Thursday, 12 May 2016, followed by a public meeting from 11 am;
(b) Thursday, 23 June 2016, followed by a public meeting from 11 am; and
(c) Thursday, 30 June 2016.

Question agreed to.

**MOTIONS**

**World Kidney Day**

**Senator SIEWERT** (Western Australia—Australian Greens Whip) (17:12): I move:

That the Senate—

(a) notes that World Kidney Day, held on 10 March 2016, is an opportunity to raise awareness of kidney disease;
(b) acknowledges that:
   (i) severe kidney disease is more common among Aboriginal and Torres Strait Islander peoples than non-Indigenous Australians, and
   (ii) Aboriginal and Torres Strait Islander peoples are more likely to die from kidney disease;
(c) recognises:
   (i) the importance of prevention and dialysis services for remote communities,
   (ii) that governments have provided funding for kidney health services in remote communities, particularly most recently in central Australia, and
   (iii) the on-going need for further prevention and dialysis services in Australia, including northern Australia; and
(d) calls on the Government to continue to invest in kidney health in Australia.

**Senator RYAN** (Victoria—Minister for Vocational Education and Skills) (17:12): I seek leave to make a short statement.

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

**Senator RYAN:** The government supports this motion and is committed to funding renal support for remote Indigenous Australians in Central Australia. This includes funding
totalling $10 million over three years to the Northern Territory government to develop accommodation in Tennant Creek and Alice Springs; funding of $9 million over three years to Purple House to continue its delivery of dialysis services and a range of renal support activities in Alice Springs and remote communities in Central Australia; and providing a further $6.3 million for the development of additional renal infrastructure in remote communities to assist renal patients to remain in these communities.

Aboriginal and Torres Strait Islander peoples in remote Central Australia experience end-stage renal disease at rates 18 to 20 times higher than that of the wider Australian population. This new funding complements the coalition’s commitment of $1.4 billion over three years to continue the delivery of primary health care to Aboriginal and Torres Strait Islander communities.

The PRESIDENT: The question is that the motion moved by Senator Siewert be agreed to.

Question agreed to.

COMMITTEES

Procedure Committee

Reference

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (17:13): At the request of Senator McKenzie, I move:

That business of the Senate notice of motion no. 2 standing in the name of Senator McKenzie for today, proposing a reference to the Procedure Committee, be taken as formal.

The PRESIDENT: Is there any objection to this motion being taken as formal?

Senator WONG: Yes.

The PRESIDENT: There is an objection.

MATTERS OF PUBLIC IMPORTANCE

Taxation

The PRESIDENT (17:14): I inform the Senate that at 8:30 am this morning Senators Day, Moore and Siewert each submitted a letter in accordance with standing order 75 proposing a matter of public importance. The question of which proposal would be submitted to the Senate was determined by lot. As a result, I inform the Senate that the following letter has been received from Senator Moore.

Pursuant to standing order 75, I propose that the following matter of public importance be submitted to the Senate for discussion:

The Turnbull Government's failure to present a tax plan to the Australian people.

Is the proposal supported?

More than the number of senators required by the standing orders having risen in their places—

The PRESIDENT: I understand that informal arrangements have been made to allocate specific times to each of the speakers in today’s debate. With the concurrence of the Senate, I shall ask the clerks to set the clock accordingly.
Senator LINES (Western Australia) (17:15): I am very pleased that our matter of public importance was selected today with the ballot because there is nothing more important to Australian workers and Australian families than tax. In Senate question time today one of the first questions asked of the government was: where is your tax plan? What we got initially was an almost zero response from Senator Brandis and then, in response to our first supplementary question, we got a lecture on everything but tax. By the third supplementary question the lecture continued but Senator Brandis confirmed to not only the Australian Labor Party but all Australians that when it comes to tax and tax policy the Turnbull government has absolutely nothing to offer. That is because we have seen ideas put up, the backbench react and the ideas suddenly come off the table. It has been nothing more than a disgrace.

We know that initially Mr Abbott talked a big game. Who could forget the first budget of the Abbott government that took all Australians by surprise? Many of the commitments made to Australian voters were broken. No cuts to health, no cuts to education and the Gonski ticket that the Abbott government was then on with Labor—all of that was broken, trashed and burned. The trust of the Australian people was absolutely trashed and burned. The Australian people were treated with absolute disrespect.

Right from day one, as Liberal governments tend to do, there were big promises about tax cuts. It was all about tax cuts. When Mr Turnbull necked Mr Abbott for the top job he reiterated his support for that first harsh budget. The Australian community are absolutely in lock step with Labor that that was a very bad budget. It hurt ordinary working Australians. He signed right up to it. Mr Turnbull, the new Prime Minister, absolutely stood by every single element in that budget.

We have seen a bit of back-pedalling but we have not seen anything absolutely wiped off the slate. The $100,000 degrees are still there. Senator Birmingham, in a radio interview last week, confirmed that they still do want to look at those sorts of things. They are still there, but tax seems to have taken a back seat. It is something we do not hear them talking about any more. The big tax cuts were going to make life easier for Australian families and we were going to have cuts to various programs because money was going to be flooding in from all of the tax cuts that would benefit Australian families. We have seen nothing. What we have seen is not a plan; it is an absolute shambles.

We had a lot of talk about a year ago about the GST. We had a lot of talk particularly from Mr Hockey, who was the then Treasurer. Of course, he has gone off to take up a plum job in the US. He is our new ambassador. When he took up that job he said he could stay here and fight and argue with people in his own party or he could go off to the US. What kind of job recommendation is that? He said: 'Rather than be abusive to my mates in the LNP, I will go to the US and take the plum job. Because I am such a poor negotiator you put me in charge of our relationship with the US.' What a joke. That was just a convenient way to get rid of Mr Hockey after Mr Abbott had been necked by Mr Turnbull.

The GST was clearly on the table. In conversations Mr Morrison talked about it. Senator Cormann talked about it. Indeed, Mr Turnbull, the new Prime Minister, talked about the GST. We had all this talk. Of course, Labor have been very clear about the GST. We oppose it. We opposed it when it was introduced and we have continued to oppose it. We certainly opposed increasing the GST to 15 per cent, which the Turnbull government was talking about. We campaigned with the Australian public. We let them know that the Turnbull government
wanted to put a GST on health and food and they were even looking at putting it on education. That would have increased the burden that ordinary Australian households and workers were already under after the first and second bad Abbott and Turnbull governments.

Because Labor and the Australian public were in lock step in their opposition to the GST the wonderful Turnbull backbench started to get really nervous. The backbenchers are the ones really running the show. They are getting nervous about a double-D now. You might have heard in the media this morning a few of them getting a bit nervous about that. What happened? Suddenly the GST was off the table. But was it? On the day the Prime Minister called it off the table Senator Cash said that everything was under consideration. Who can you believe? Again that is a very clear demonstration that the Turnbull government has absolutely no plan at all when it comes to tax.

On the very day the Prime Minister says it is off the table you have senior people in the government, such as Senator Cash, saying that everything is on the table and it is all up for consideration. We saw that their notes were leaked. Maybe that is the problem. Maybe they are not all reading the same notes; they are just making it up as they go along. It was a very clear demonstration from senior people in the Turnbull government that they have no idea about the GST. Who could forget the appalling National Press Club speech by Mr Morrison just a couple of months ago? In the lead-up to the budget you hint a little bit. But of course he had the GST ripped out from underneath him so he did not have much left to discuss.

But he has spoken on the public record. So have a number of the Turnbull government members, but particularly the Treasurer has said this. He has talked about ‘excesses’ with negative gearing. He has talked about it a number of times, but of course once again he has been shut down, so we have never been able to get to the bottom of exactly what Mr Morrison was talking about when he talked about excesses in negative gearing. But it is very clear from those opposite that they want to make it easier for you to buy your 16th or your 17th property, rather than to enable young Australian families and indeed young Australian workers to buy their first house. Of course they are looking after their rich mates, as usual.

And then we look at multinational tax avoidance. A couple of weeks ago in this place I spelled out very clearly all of the partners of Alcoa—CITIC, some Japanese companies and so on—paying zero tax in this country while the Turnbull government stood by and allowed seafarers, Australian workers, Australian taxpayers, Australian mums and dads, members of the Australian community, to be sacked by companies that are not paying one cent in tax in this country. Not one cent! They stood by, and they thought it was fair game to see Australian jobs go to foreign workers on Australian waters for the princely sum of around $2 an hour. That is a disgrace. We have seen that the Turnbull government certainly does not stand for Australian jobs.

And then we saw the dirty deal that the Greens did on corporate tax. The government were desperate to do something. Besides not having a tax policy, they thought perhaps they could do something on corporate tax. The Greens had agreed with Labor—they had been in lock step with Labor—on reforming corporation tax in this country. Because the Greens have no idea how to negotiate—they barely have their Ls on when it comes to negotiation—they caved in at the eleventh hour and did a pathetic deal with the government on tax. It was a pathetic deal, and we have seen that again on Senate voting changes that they want to bring in: a cave-in. That is what they do.
It is very clear that the Turnbull government have no idea when it comes to tax, no plan. We have the budget now due—well, due sometime in May. We are not sure when the budget is due now. It used to be the second Tuesday, but who knows now, because they are hinting at something else? Perhaps they will need their mates the Greens to help them out again. They have no tax policy. (Time expired)

Senator BACK (Western Australia) (17:25): I am delighted to stand to contrast the incompetence of previous Labor governments and the absolute competence of coalition governments, on this occasion led by the Hon. Malcolm Turnbull. This question is all about not the government of the day but what the alternative might be should the coalition not be returned. It is necessary to examine the past because the best predictor of future behaviour and future performance is always past behaviour and past performance. What I will be speaking to, of course, is the situation of a measured, thinking, calculating and consultative government as opposed to that from the past.

These figures really go to the performance of the last government compared to the coalition government. In this case it was the coalition government leading up to 2007-08, when John Howard regrettably lost government and—unfortunately for the people of Australia—Labor had six years. The budget position when the coalition left government was a surplus of $20 billion. It became a $47 billion deficit. In the average budget position we were in surplus to the tune of $8 billion. That went out to $40 billion deficit. On government debt: there was a surplus of $45 billion in 2007-08. The debt went out to $192 billion and gross debt to $310 billion. So the question is: who is competent to run this country? Who is competent to contain expenditure? We saw that the coalition had 23.1 per cent of GDP in government spending, and, when Labor lost government in 2013, it had jumped up to 26 per cent.

You have to start to have a look at where we are vis-à-vis the rest of the world. Once again, these stats are uncomfortable for our opponents on the other side, but here they are. In the global scene of all countries, in 2007-08, on government wastefulness, under the coalition government we were 10th best in the world in that space. We dropped to be 56th. On the balancing of the budget, we were 38th, and under Labor ended up at 75th. On our debt, we were the 16th best country in 2007-08, and we went to 34th under the then finance minister, sitting opposite me.

Let us talk about pay and productivity. You would have thought that was an area of keen interest to Labor. We were the 40th best country in the world. It is a disappointment that we were only 40th; we should have been better than that at the end of the Howard government. But, at the end of the Labor government, in the global sphere we had dropped from 40th to be 113th. In hiring and firing practices, we declined from 63rd best in the world to 137th. Even in construction, the quality of our infrastructure construction, we dropped from being 21st best in the world to 34th under Labor. In government regulation, we were 68th, and that is not acceptable. We should not have been 68th. But we descended to be 128th. On tax as a percentage of profit, we declined from being 83rd to 109th in the world.

It is all about communication. It is all about consultation. It is all about a mature way of going about the management of the country. I have spoken before in this place about the knee jerk of the $900 and $1,200 cheques paid out by then Prime Minister Rudd to avoid a recession in December 2009 and March 2010. Those of us who have sat in Senate inquiries since then know where those funds went. They went into poker machines. They went into
Chinese-made televisions and other whitegoods. And, according to nursing sisters who have told me, they went into drugs and alcohol, as measured by the increase in the incidence of accidents and emergencies at the major hospitals around Australia on Friday nights. That is the effect of that circumstance.

The mining tax in our home state was a tax which we stood here and said would never make any money and nor did it make any money. But what was more important was that the then Treasurer, Mr Swan, went out and spent the money before it ever came in and of course disappointed the Australian community because he could not honour that commitment. The carbon tax we have spoken about at great length in this place.

Let me record where the importance is for the Australian community—that is, in the jobs area, in jobs growth. It is the case that, since being elected since September 2013, we in government have seen the creation of more than 420,000 jobs. Last year alone 300,000 were created. Full-time, there were 158,000 jobs. Part-time employment increased. Female employment rose by 164,000 last year alone, a 3.1 per cent increase of which 93,000 were full-time jobs. Male employment we know went up by 2.2 per cent to a record high of 6.4 million male Australians working. Total unemployment had declined by 22,300 people. These are the critically important measures.

The previous speaker was right—there will be a budget in early May. It is when the budget comes down that tax will be presented. Let us have a look at the performance of the coalition in government in its efforts to turn around an in excess of $150 billion deficit, an in excess of $600 billion debt that we are now borrowing $1.2 billion every month just to pay the interest on. How often do we stand or sit in this place and hear about the need for expenditure in different areas? Every day, all the time. You think to yourself, 'Gee, if only we had that $1.2 billion every month that we are borrowing offshore to pay the interest on a debt that did not exist in 2007.'

But this government, in its 2½ years, has already improved the budget position by some $68 billion. We have spent $50 billion repairing the budget. Where is the economic failure in that? I have already mentioned the new jobs that we have created. There are 700 new jobs a day created under this government. We are outperforming the United Kingdom, the United States, Canada and every other G7 country. Job advertisements are up 15 per cent. These are the sorts of figures that will be asking the Australian people to reflect on. We speak of tax in the budget that we are currently dealing with. We know, under then Minister Billson, we saw $3.25 billion in tax cuts for small business and $1.75 billion in accelerated depreciation measures, and we are seeing the benefits of that injection now—$6.8 billion in job activities, the new employment services system.

In the time left available to me, I do want to speak again about negative gearing as it has been presented by the Leader of the Opposition, Mr Shorten. I say this with deep concern. The property sector is 11½ per cent of our national wealth. It creates over a million jobs a year, more than mining and manufacturing. We know there are 840,000 Australians with taxable incomes below $80,000 who negatively gear. And these are not the 'top of the wozza' earners you hear Senator Cameron going on about but 540,000 teachers, 52,000 retail workers, 36,000 nurses and midwives, and 200,000 hospitality workers. But as has been explained here this afternoon, it has only just come out that it is not just negative gearing on
housing but what has whistled up underneath it—negative gearing for the purchases of shares, which will now no longer be able to be undertaken.

I know over that side you hate small business. You do not, Acting Deputy President Sterle; you were one but I do not quite know why you are on your side. But the simple fact of the matter is if somebody purchases a commercial building to open a retail business, they will no longer be able to claim the costs of establishing and running that business, vis-a-vis the negative gearing on that property, against their taxable losses in the years in which it is incurred. So we will have a situation where there will not be the encouragement to invest. We know this nonsense about negative gearing on new dwellings. What happens when the dwelling is sold? It will be sold to somebody who will not be a recipient of negative gearing so we will see an increase in rentals. It is too important for the running of this country to allow people who have no competence in economic management to be given the purse strings because past performance from 2007 to 2013 tells us where the country will end up—broke.

(Time expired)

Senator WHISH-WILSON (Tasmania) (17:35): I wonder whether Senator Back has ever been in the situation where he could not afford his own first house.

Senator Back: Of course I have. I had nothing when I kicked off. I started out with nothing. I borrowed to go to university.

Senator WHISH-WILSON: Perhaps he was but it would have been a long time ago. He cannot remember what the housing affordability issue was like. Let me tell you, Senator Back, a lot of Australians are struggling. They are struggling to buy their first home. Most of them end up renting for most of their lives. One of the key reasons is we are subsidising, through taxation policy in this country, the wealthy investors who are making money out of property speculation. They are competing in the same market as young and old and low-income Australians who simply want to own their own home. That is a dream that a lot of Australians have had but unfortunately it is a nightmare for lots of Australians. If you go out and speak to most young people around this country, they will tell you it is one of the biggest challenges that they face, even in my state of Tasmania, where housing prices are much lower than they are in other parts of the country.

This tax reform issue is not just about raising revenue; it is about fairness and equality. It is about using the levers of the tax system to have a better country, to get better outcomes for all Australians, not just for the wealthy, not just for the property sector which wants to keep perverse incentives in place like negative gearing. We have argued for a long time that we should remove or phase out negative gearing over time. We have argued that we need to get rid of capital gains tax and phase that out, remove those incentives on new property purchases so we can actually have a fairer society and a fairer country.

We do not believe the scare campaign of the government that—pardon the pun—the roof is going to fall in or the sky is going to fall in. This is something that many respected economists around the country argue for. I remember arguing this same point at the press gallery, around this time last year. I am very pleased to see that the Labor Party are adopting a policy going into this federal election to back-in negative gearing and the removal of the capital gains tax. I just wish that they would spend more time out on the hustings talking about the importance of removing negative gearing and capital gains tax. Instead, they seem obsessed with muckraking, throwing mud at the Greens over preference deals.
Of course, what we have seen is the big distraction this week around the Senate voting reform. We were simply trying to get some simple democratic reforms, giving people the choice to direct their own preferences in a Senate election. How much easier could it be? This is the problem: until the Labor Party actually get on with selling their tax plan—and the same for the Prime Minister, Malcolm Turnbull—then we are not really going to have a debate in this country, are we? So I would urge my Labor Party colleagues in this chamber, to actually get out there, be an opposition and start selling their negative gearing policy. The Greens led them to this position, and I am glad that we played that effective role. Let's see them actually get out there and sell it.

Now, I will make some points about multinational tax avoidance laws and disclosure of people with incomes over $100 million. I was sitting in your chair, Mr Acting Deputy President, when that bill went down in this place. Labor put up a few voters. They did not even call a division, they let it go to the keeper—it was gone—multinational tax avoidance transparency was gone. We brought it back for debate. We got it in here and in the end we made a judgement that we could get an outcome for all Australians, that high-income earners—over $200 million—would have to disclose their tax.

I am very pleased to say that in the next week we will see those figures come through. It will be a really good thing that we have a good outcome. We also have much broader multinational tax avoidance laws that we worked with the coalition on and which Labor ended up supporting after all of their huff and puff in this place. So we got a really good outcome. But let me say this very clearly: there were no tax transparency laws in this country until the Greens got them on the agenda.

With the aged pension—

Senator Cameron: You dodged it!

Senator WHISH-WILSON: We stood up to get the poorest Australians an increase in the aged pension—Senator Cameron, through the Acting Deputy President—while Labor backed-in middle-class welfare. We reversed John Howard's reforms, which we opposed at the time they were brought in, and got an increase to the aged pension for the least wealthy—the ones who need the safety net the most in this country. We have fought hard for superannuation concessions that change the way that superannuation is taxed in contributions in this country, and I hope also that Labor watches our policies very closely in this space and adopts them as well.

We have fought as hard as anyone against a GST increase, believing it to be a lazy tax—a regressive tax. We have fought hard to remove the diesel fuel rebate—more perverse incentives that supports wealthy mining companies. We have voted with our feet on so many issues in this place. And let's not forget probably the biggest tax reform that we have seen this country—literally in a generation and in a decade—and that was the pricing of carbon. That was the biggest tax reform this country has seen in well over a decade, and this coalition government ruthlessly and cynically campaigned on removing it for their own short-term political purposes. We lost $18 billion in revenue by taxing polluters and we were a global laughing stock when we walked away from taking action on mitigation of dangerous climate change, which we are now seeing every day around us—all for the short-term political power grab of the coalition. They have yet to replace that revenue, or a decent scheme that tackles emissions in this country.
We have pushed hard for the taxation treatment of discretionary trusts. That would raise $3.3 billion in revenue. We have pushed hard for a millionaire's tax—a super-rich tax—of an additional five per cent above current tax rates. We have worked hard for small business, to get small business concessions. I noticed that Labor did support the small business package when it came in, but what was adopted in this place was our policy going into the 2013 election—a cut for small business—for new concessions to help small businesses get on their feet.

With my last minute to go, it would be remiss of me if I did not point out that the Labor Party and the Liberal Party are both keen to spend an extra $30 billion that we do not have on warships and weapons under the defence white paper. That will remove the surplus from forward estimates, without any analysis of where else that money could be going: to schools, to hospitals, to policing or to productive infrastructure. There is so much more that we could do with $30 billion than having a national debate about a defence industry policy dressed up as a defence white paper. Thirty billion dollars is a lot of money, especially when we do not have a budget that is balancing. I do not think that debate has been had, but it is absolutely essential that we do—and the Greens will continue to lead on that. If that is what it takes, we will be the ones who will be the real opposition in this country and the ones who have ideas on reform around tax. (Time expired)

Senator GALLACHER (South Australia) (17:43): Tempting as it is to take the bait on that last contribution, I will steer well clear of it. I just hope that those remarks receive sufficient publicity so that the electors of Australia can pass judgement on them at the time of the next election.

What I do want to put on the record is a comment from an article by the esteemed Saul Eslake, where he quotes Machiavelli:

… there is nothing more difficult to carry out nor more doubtful of success nor more dangerous to handle than to initiate a new order of things; for the reformer has enemies in all those who profit by the old order, and only lukewarm defenders in all those who would profit by the new order; …

That really is a summation of where we are in this tax debate. Really, the Turnbull government cannot put a foot forward, they cannot put a foot backwards, without stepping in some quite smelly manure. They are unable to put up a coherent policy in respect of tax, so we may well ask, 'Why is that?' The answer goes back to the 2014 budget, when they attacked the Australian population with the Best Day of My Life, the cigars and the glass of wine, the feet on the balcony. They celebrated all night long, and then when the media and the electors of Australia got hold of that budget, the government realised that there was not going to be much joy forthcoming. So they got in a bunker and they tried to sell it. The Hon. Joe Hockey turned out not to be a very good salesman. Apart from suggesting that poor people do not drive cars, he careened into every possible corner of the building, blundering his way to oblivion, and is now our esteemed ambassador in Washington.

And we know what happened to the Hon. Tony Abbott. We know now that we had a tremendous period of hope, I suppose, in the Australian population after the formation of the new look government, so to speak: a new Treasurer, a new Prime Minister. The general population that I spoke to were interested. They were thinking: 'There's a new order. No-one liked Tony. The Hon. Tony Abbott is gone and things are looking up.' People used to talk to me in the street about the 'new government'. There was not a new government; they were just
rearranging the deckchairs. Quite clearly the government are blundering their way through this whole period of government.

They had a budget in 2015 that no-one can remember. No-one is talking about what happened in the 2015 budget. Now we are trying to prise—it is like prising open a coffin—from them what is in the 2016 budget. No-one seems to know. The Treasurer does a Press Club address and then goes to his local friendly talkback host, who tears strips off him, tears him to pieces on the radio: 'That was a lot of drivel. They were just words. What are you actually going to do?'

This has been going on now for quite some time, and people are getting a sense that not only are the deckchairs being rearranged on this grand ship of state but it is also probably a bit rudderless. The government are really trying to work out, as Machiavelli said, 'Where can I go to find someone I'm not going to upset?' The reality is that that is not the job of government, it is not the job of a Treasurer and it is not the job of a Prime Minister. Their role is not to please everyone in society or every section of society. The Greens can waffle on about their grand plan of not spending on defence and the like, but governments do have clear, straightforward priorities; defence of the nation is one of them. If the Hon. Prime Minister Malcolm Turnbull sticks to his guns and gets every dollar that can be spent in Australia, I do agree that is an area of great public policy. It certainly should be our policy, and we would attempt to do that.

However, what we have is one party that have actually put out what could be called a courageous piece of policy in respect of negative gearing. I know that there are people on the other side who think they can electorally seek advantage from the position of the Labor Party, and they think in their electorate it is a vote winner. Well taxation policy and Treasury policy, if it is only going to be viewed through the prism of what is electorally popular, we are not going to be a very good country. I do not think Paul Keating or any of the great reformers before him actually thought it down to, 'Will this win me votes in this seat?' They had a vision for the country—they had a vision of fairness, a vision of change—and they knew there would be some cost in that. What is bereft in this government is that vision. They are only looking for electoral advantage at every spot. That makes them tentative—they look tentative, they are acting tentative—and so who knows what is going to come out of the 2016 budget? We are not even getting the seasoned leaks that we used to get. We used to get leaks. They had a bit of a dash at the GST. They worked out it was electoral poison, so they ran away from it at 100 miles an hour. They lost their ability to prosecute an argument and a case.

If you look at where you can increase revenue—once you go away from the PAYE taxpayers at $195-odd billion or the corporate taxpayers at $71 billion, then you come back to sales tax and GST at $60-odd billion; the rest of the money that comes in is in very small buckets—you have to go over three or four years to get reasonable, respectable sized savings. If you own up to the fact that PAYE taxpayers are carrying their share of the burden—and through bracket creep they will carry a little bit more of their share of the burden—and if you accept the economic policy that that will be a drag on GDP, then you could probably mount an argument that we need to do something about bracket creep. It is straightforward, it is economics, it would be popular, but are they going to put up that in the budget? We simply do not know.

We know that they are likely to reduce their major supporters' tax rates, and they are not doing a whole lot about conquering the worldwide global problem of transfer pricing and
international tax avoidance. The Apples of the world have got it worked out, and it is
perfectly legal: no tax in California, you do your R&D there; 12½ per cent or whatever in
Ireland, that is where your headquarters are; the Cayman Islands are where you base the stuff
that is sold out of Australia. Make no money in Australia, transfer to the Cayman, back to
Ireland—they have got it all worked out perfectly. But that is not helping our situation here,
where we all have lots of these things, these gadgets. They should be taxed appropriately.
There is no look in that corner. So what are they going to do? I am waiting with great interest
to see this set of budget papers, to see what they are actually going to match their rhetoric
with. I do not know if there are any hats left that you can pull a rabbit out of. You really do
have to take tough decisions, hard decisions. They will not please everybody, and they are
very unlikely to be easy to win. You need to prosecute those. We do not see a great deal of
that at the moment.

In the last couple of minutes that I have, I would like to put on the record that there is one
easy free kick for any government—that is, scrutinise the expenditure. Anybody who follows
a number of the committees' work around this parliament would realise that there is a lot of
money expended through various departments. One small example of this is that
approximately $98.3 million was allocated in the 2015 budget for expanding the diplomatic
footprint of Australia. It is a very noble goal. We should be touting around the world
Australia's wares in terms of trade and credentials in terms of being a good international
citizen. But when you see figures of up to $10,000 a square metre to fit out an office for 14
people, you have to wonder whether that is a good use of taxpayers' money. You have to
wonder what level of delegation allows people to spend enormous amounts of taxpayers'
money. It does not meet the pub test. As I said to the Secretary of the Department of Foreign
Affairs and Trade: 'Do you just wave this by your desk? Does it just get delegated? Who
actually signs off on the fact that you are paying $18,000 a week, $72,000 a month and
$860,000 a year? And then you are going to spend another $7 million fitting it out for 13
people!' The people of Australia, the taxpayers of Australia, do not like profligate spending.
That is one area this government could have a look at. (Time expired)

Senator IAN MACDONALD (Queensland) (17:53): I suggest to Senator Gallacher that,
if he wants to know what is in the budget and what the government's budget plans are, he
should do what I have done for the last 25 years, under governments of all persuasions, and
that is turn up on budget night and hear the what the budget is. Never before,
in the 25 years I
have been here, have a government come out, prior to the budget, and indicated what their
budget plan is.

I made a mistake there. Can I correct myself?

Senator O'Sullivan interjecting—

Senator IAN MACDONALD: There was one occasion, Senator O'Sullivan, when a
government did come out with a plan outside of the budget—in fact, they legislated for it. Do
you all remember, going back in history, the L-A-W law tax policy? When Mr Keating was
questioned, he said, 'No, these tax cuts are law—L-A-W law.' And the government legislated
them just before an election. The Labor Party, unexpectedly, won that ensuing election, and
what was the first thing they did when they got back in? They axed the L-A-W law tax
concessions they had given just before the election. This demonstrates, yet again, that you
cannot trust Labor at all with money or with tax policy.
I heard Senator Gallacher talking about cutting the expenses of some office somewhere. Senator Gallacher, you might not have been around here when the Labor Party had a building called century house or Centenary House.

Senator Reynolds: It was Centenary House.

Senator IAN MACDONALD: Talk about rorts in the real estate market! That was a building owned by the Australia Labor Party. It was rented to, of all people, the Audit Office. They could not do anything about it. It had a rent escalation clause that far exceeded the CPI at the time. It was the greatest rort in history, and you, Senator Gallacher, are complaining about a few dollars spent on an office somewhere. If you want to enter into this debate, have a look at the Labor Party Centenary House fiasco.

Come budget night, you will see from this government a budget which delivers growth and jobs. That is what it is all about. Senator Bullock was with me last week at the Joint Select Committee on Trade and Investment Growth hearing on innovation and research, looking at new ways of doing things. We had in person after person congratulating the government—in a non-political way. In fact, a lot of the people doing it were university academics, people who very often are not our greatest supporters. They were all unanimous about how good the innovation statement was and how much it will mean to Australia. They were enthusiastic and very keen to get on board with the innovation statement. So there is an indication of an economic approach which will pay dividends.

I do not have to mention the free trade agreements and what they have done for Australia in helping to build our economy, grow our economy and provide real jobs for Australia. Everybody supported the free trade agreements. The Labor Party took a bit of time to get to the table but, at last, in the end, they came on board. They took the advice of Mr Keating and other senior elders of their party and came on board with the China free trade agreement. Those agreements, over the next 10 to 20 years, will provide an enormous boost to the Australian economy to grow the economy and to provide real jobs for Australians.

I am concerned that the Labor Party—as someone said at question time—have only five policies that they have announced for the election and that they all involve increasing taxes. That is the Labor Party's proposal for our economy—five policies, all increasing taxes. I would urge some of the Labor senators to look at their tax policy. Why am I giving them good advice? I am one of those magnanimous and sincere people, so I will give them some advice. They should look at their tax policy on capital gains tax because, quite frankly, it is going to push up rents and reduce the value of everyone's home. Ask any real estate agent. They should ask some of their mates in the Labor Party—if there are any left in the real estate business—what their policy would do to the value of Australian houses. I am trying to be helpful in a collegiate way because it is good for Australia. I ask them to please have a closer look at what they have announced as their policy for negative gearing. It is something that will cause real problems not only for our supporters but also, perhaps more importantly, for their supporters. So I ask them to, please, have a look at that.

I know the Labor Party has five proposals forward for increasing taxes. I can only remember the other great Labor promise: there will be no carbon tax under a Labor government. And what was the first thing the Labor Party did when it got into office? It introduced a carbon tax, yet another tax, which, regrettably, raised no money. It cost more to implement than it raised.
Here I have given you two examples of Labor's duplicity with tax policy and tax actions. One of them, as I mentioned, was the L-A-W tax cuts that were legislated by Mr Keating before an election and immediately, on winning the election, then legislated down. The carbon tax, after 'There will be no carbon tax under a government I lead,' was introduced immediately.

With the coalition you will get an honest portrayal of the economy and of where Australia is going into the future. I will tell you what the coalition's policy and plans for the future are. I can relate it in two words. One is 'growth'—that is, growth of the economy and building the pie. Second is 'jobs'—jobs for all Australians and for those Australians who do not have it.

I see Senator Lambie joining the Labor Party. You better come up to Central Queensland. See all the people out of work because the CFMEU and the Queensland government shut down the mines in that area.

Senator Lambie interjecting—

Senator IAN MACDONALD: Why don't you come outside and actually do a bit to help those people get a job? (Time expired)

Senator LAMBIE (Tasmania) (18:01): There is a myth—that the Liberals are good managers of public funds—which I would like to question by stating the facts. The Howard Liberal government made a grand total of $59.8 billion from public asset sales: $4.4 billion from airports, $48.6 billion from Telstra and $6.8 billion from Commonwealth Bank.

Senator Ian Macdonald: Mr Acting Deputy President, I rise on a point of order. I draw you to the standing order which requires that senators shall not read their speeches.

Senator Cameron: On the point of order: Senator Macdonald has been around here long enough to know that that is an absolute nonsense proposal he has put forward. Senator Lambie has been on her feet for I think 15 seconds, and I just think it is absolutely outrageous to put that proposal up.

The ACTING DEPUTY PRESIDENT (Senator Williams): I am going to rule it as okay for Senator Lambie to continue. I have been here for some time now and I have seen many, many senators refer to notes in front of them. Continue, Senator Lambie.

Senator LAMBIE: The Liberals under Mr Howard and Mr Abbott sold $59.8 billion of public assets and paid back $57 billion of Labor debt, leaving us with $108 billion of outstanding bonds and unfunded public service super. How much revenue would have been raised to today had we not sold those public assets? In the last six months, the Turnbull Liberal government has failed to present a tax plan to the Australian people, and that failure has added to the chaos and confusion that the Abbott Liberal government first created for this parliament.

The Liberals like to spread the propaganda that it is the other crossbenchers and I who have made this Senate chaotic and unworkable. In the Senate I have voted for and passed almost 75 per cent of the Liberals' legislation. That is worth $32 billion. With my votes I have protected Australia's poor from $30 billion of Liberals' cuts. The Liberals sacked a Prime Minister and have caused chaos. Everyone knows that the Liberals will increase the GST and tax Australia's poor if they are re-elected as the government.
I have identified an extra $94 billion over 10 years for our budget if only the government had the courage to tax the super-rich. Australia could have a super-rich death tax, a capital gains tax and a financial transactions tax. Just those three new taxes would raise an extra $94 billion over the next decade by targeting the super-rich.

The Liberals try to make us pay more to visit our doctors with their GP co-payments to repair our budget. In the Senate I helped stop that attack on Medicare, and I will do it again and again because the Liberals now want to make Australian women pay more for cancer checks by forcing $650 million of cuts to bulk-billing.

Senator KETTER (Queensland) (18:04): I rise to make a contribution in respect of this matter of public importance: the Turnbull government's abject failure to present a tax plan to the Australian people. We know that the tax process of the Turnbull government is a cause of national concern. You do not have to take my word for that; we have seen in recent times an extraordinary contribution to the national debate here from the chairman of the government's own Board of Taxation—the Board of Taxation being one of the government's key tax advisers. We are now finding that they are openly criticising the government's policy reform processes.

We know, of course, that the Treasurer has had to postpone the Council on Federal Financial Relations. We are seeing an ongoing shambles rolling out before us. We have seen the Chairman of the Board of Taxation, Mr Michael Andrew, come out and talk about what can be described as a chaotic, under-resourced, rushed and secretive government tax reform process. We know that the tax white paper process cost the taxpayer at least $7 million to date on top of wasting the time, effort and money of over 1,000 Australian stakeholders and business organisations. This is a cruel hoax that has been perpetrated on the stakeholders who are interested in what is happening with the reform of our taxation system.

Mr Andrews made the comment:

The government deciding to run the process as an internal process, not through an independent inquiry, has compromised its ability to win hearts and minds.

I think that is a very telling point. He has talked about the fact that hardworking Treasury employees involved in the process are leading to the politicisation of the process because of the fact that the department is taking charge of the review. We have walked away from the orderly process of having a green paper and a white paper. The government has truncated the dialogue that we were supposed to have, and we are now awaiting with bated breath the outcome of the government's internal review. The other thing that Mr Andrew of the Board of Taxation said was:

As a business person, I sit there and shake my head. I say, if this is a No. 1 priority of government then resource it properly.

We have a quite extraordinary contribution in the debate and compelling evidence that this government does not know what it is doing in the vital area of tax reform.

We also saw today the Treasurer, Mr Morrison, tick off another speech at a business forum in Melbourne which contained a lot of words but very few numbers and facts. It was filled with lots of spin and no wins. It is a case of another day and another speech with no tax policy, no economic plan and, most embarrassing of all, no date for our budget. So we must ask: how does the Abbott-Turnbull Liberal government intend to fund the country, encourage
reform and drive our economy into the future to get the jobs of tomorrow? The government is incapable of reviewing its tax policies. How can it go on to take on the bigger issues?

Today the Treasurer said that the budget should be used to deliver tax cuts to drive innovation. What does he mean by that exactly? Does it mean cutting taxes for services and products that do not exist today? The Prime Minister has said that it is the most exciting time to be alive, but it is not very exciting when you have a government that is leaving Australia more clogged than a bottle of Clag glue! Labor, in contrast, has a clear, costed and responsible plan. We have a plan for housing affordability, superannuation and taxation reform and for more multinationals to pay their fair share of tax. We have a plan to repair our budget so that we can invest in jobs, education and health. We are streets ahead of the government in this area.

Where is the government since the departure of Mr Hockey as Treasurer and Mr Abbott as Prime Minister? We are basically talking about tax processes grinding to a halt as the coalition's infighting and self-interest continue to be their main agenda. It is not good enough for me, it is not good enough for this chamber and it is not good enough for the people of Australia.

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (18:09): I am honoured this afternoon to close this debate that talks about tax. I always find it quite interesting, even peculiar, when opposition senators on this side come to the Senate chamber to talk about tax policy and options for reform. It is a good thing and I applaud the Labor Party for suddenly developing a strong interest in the matters of tax policy. It is often said, 'Better late than never,' and I think that is amply true in this particular instance. It is particularly curious that, when Labor was in power for six years, they did not do much talking on tax and they certainly did not do much talking or acting in terms of tax propositions that would foster economic growth and foster job opportunities for the Australian economy. In fact, over Labor's six years, Labor's basic approach on tax was to talk about almost anything else and simply hope that no-one would notice that they were putting taxes up. Nowhere more was that demonstrated than through the Henry tax review—in my view, a considered, thoughtful and detailed piece of work that ended up costing the Australian taxpayer $20 million. So let's ask ourselves: what was it that Labor did with that $20 million exercise known as the Henry tax review? What did the last Labor government do with the findings of that particular tax review report? Senator Williams might recall that Labor sat on the Henry tax review paper for as long as it possibly could and then comfortably ignored almost 95 per cent of the recommendations in that Henry tax review.

Senator Gallacher: Bit like your commission of audit.

Senator SMITH: There we go: Senator Gallacher's interjection. Actually, I liked the commission of audit. I absolutely did and you should too. I just want to reflect briefly. This highlights a particularly relevant and important difference in terms of how this government wants to approach the issue of budget management and how Labor wants to approach the issue of budget management. I absolutely sit on the side of the argument that says we need to reduce government spending. I cannot believe that I am sitting on the same side of the debate has Paul Keating. Paul Keating has said that it is important for the government to tackle the issue of government expenditure. But where are Labor senators? Where is the Labor opposition? Why don't you support your former Labor Treasurer? Why don't you support your
former Labor Prime Minister, Paul Keating, when he at least can bring himself to the enormity of the task and the enormity of the challenge with all of his experience, and he says very clearly that the challenge for this government—indeed, it would be the same challenge if, heaven forbid, the Labor Party should win the next election—is to reduce the size of government expenditure. 'Why?' I hear you ask, Senator Williams? Because who pays for that ultimately? The taxpayer.

I want to reflect briefly on some commentary that was in *The Australian* on 5 March 2010 to take us back a little while and look at what was being said about the then Labor government's approach to tax policy. The headline in *The Australian* on 5 March 2010 says: 'Cabinet splits over tax, tactics'. I will quote briefly from that report. It says:

Several senior Labor sources have confirmed the cabinet differences over Mr Rudd's delay in releasing his promised "root-and-branch" examination by a committee led by Treasury secretary Ken Henry.

The article goes on to say:

Mr Rudd resists the view of senior Labor MPs that it "must be delivered before the budget".

And then says:

Mr Rudd said yesterday he had no timetable for the release of the document ... It then quotes the former Prime Minister, Mr Rudd, as saying the following:

"Each thing in its season. We've got to do one thing at a time."

"On the tax system, yep, we've got more work to do, but on the timetable for it, were still working our way through it."

And the media report goes on to suggest that this reluctance to discuss tax was widespread:

Senior government sources said that, behind the scenes, no one in the government was talking about the Henry review, despite the promises of a "root-and-branch" examination of the tax system. Others described the Henry tax review, which Mr Rudd started, as being "as popular as a dead fish"—

Don't believe me, Senator Gallagher; it was in *The Australian* newspaper. You can faithfully trust what was written in *The Australian* newspaper on 5 March 2010.

In the brief minute that is available to me, I think it is important to get an important set of facts on the table. To date, Labor has promised taxes that will raise around $8.16 billion over the forward estimates, but, at the same time, has promised to spend $44 billion over that same time frame. To date, Labor has promised to raise $8 billion but spend $44 billion. From the tax changes it has proposed so far, Labor has already promised to pay for general budget plans, budget consolidation and unspecified health policy initiatives, and has already promised to fund unspecified spending initiatives, childcare reform and additional schools funding. Labor cannot be believed. To date, it has said it is raising $8 billion but has already promised to spend $44 billion. That might have a ring of familiarity because it sounds very much like the mining tax and the fraud that was committed over regional communities when there was no money to pay for their commitments. *(Time expired)*

**The ACTING DEPUTY PRESIDENT (Senator Williams):** Senators, the time for the discussion has expired.
The ACTING DEPUTY PRESIDENT (Senator Williams) (18:16): I shall now proceed to the consideration of documents. These documents are listed on page 5 of today's Order of Business.

Affordable Housing

Senator GALLAGHER (Australian Capital Territory) (18:17): I would like to take note of document No. 1, a response by Minister for Social Services Mr Porter to a resolution of the Senate of 2 February 2016 concerning affordable housing. The response from the minister, the Hon. Christian Porter, to the President's forwarding of the motion clearly shows the Turnbull government's continued reluctance to get involved on the issue of housing affordability. This response relates to the Senate Economics References Committee's report, Out of reach? The Australian housing affordability challenge, that was completed by the committee on its inquiry into affordable housing. The report really has provided both senators and the Australian community with a very comprehensive analysis of the challenges presented by housing affordability. As the minister's response points out, it is over 500 pages and has more than 40 detailed recommendations, which the committee I guess came to after 15 months' investigation.

This report was tabled, I think, 10 months ago now. The normal convention of the Senate would be that a response would have been provided within three months of the report being tabled, meaning that the government's response to this important document is now, even on the kindest analysis, around seven months late.

The response from the minister is that, well, they are doing a bit of work now, and that that will feed into their response. I would say that there have been more than 2½ years of no response from the Turnbull government. There have been three housing ministers. There is no housing policy. And this was shunted off to the white paper process, under the federation reform, where it sat for more than a year and a half—nearly two years—being examined, and with ideas being talked through with states and territories. That, of course, has now been sidelined, because I think it identified solutions that were either too hard or too expensive or could not be progressed with the agreement of the states and territories. So where we are up to now is that, at the collapse of the federation white paper process, the minister, with no other choice, after Treasurers from the state and territory jurisdictions said, 'Something needs to be done about housing affordability,' then decided to convene a working group coming out of the Council on Federal Financial Relations.

That working group is being commissioned to investigate innovative financing models. That is all well and good. The terms of reference you could not necessarily argue with—other than perhaps that it should not have taken so long to get to this point.

The working group convened. It was of bureaucrats only, without any representation from the housing sector, or social or community housing groups, or industry. So it is simply public servants having a look at what can be done, and it will not report until July 2016—I think that is to heads of Treasuries, and then perhaps through the COAG process or to other heads of Treasuries by the end of June, according to the minister's response, with perhaps a final report to, say, Treasurers or through to COAG sometime in the second part of this year.
That will mean that there will be three years of no action on housing affordability, at a time when housing affordability across the country continues to decline. In Melbourne and Sydney an average home loan now is over $400,000. The percentage of your income needed to service a loan in Sydney is 39.2 per cent. I think these are all statistics that were released last week. The average percentage of income needed to service a mortgage is 32.4 per cent—well above the 30 per cent that is deemed the affordability measure. This is the situation facing people now.

We have first home owners declining in the market. They now only make up 15 per cent of the owner-occupier market, down from the long-run average of 19.7 per cent. That is the situation—we are locking first home owners out. We are going to have a generation that is resigned to renting properties and who will be denied the great Australian dream of owning their own house because of the challenge of housing affordability and the federal government's refusal to see that it is an active participant in this challenge, that it has a legitimate role to play and that it needs to bring the states and territories together and drive reform—something which it promised before the last election but has failed to deliver. This letter from the minister simply apologises for the fact that the government has done nothing.

I seek leave to continue my remarks later.

Leave granted.

Debate adjourned.

International Day of People with Disability

Debate resumed on the motion:

That the Senate take note of the document.

Senator LINES (Western Australia) (18:22): This document is from the Western Australian Minister for Disability Services, Mrs Morton. It is a resolution of the Senate from 2 February 2016. I thank Minister Morton for her response to a motion that I put up. I think there were a number on that day, but one of them was a motion that I put forward. In WA we have the particular situation of having two trials. The Western Australian government was very late signing on to the NDIS—very, very late—and only came on board beyond the eleventh hour, quite frankly. Despite that, we have an NDIS trial at the moment up in the hills area. I was fortunate enough to go along to the opening of that trial held out in Midland. I was very proud to see Labor's NDIS finally starting up in Western Australia. The trial is going well in the Perth Hills region, but Western Australia is also doing its own trial of its own version of disability support. That is called My Way.

The history of disability support in Western Australia is very dark indeed. Particularly in the day when people with disability were institutionalised, we had many scandals amongst many organisations that are probably worthy of a royal commission. There were people with disability treated appallingly in institutions in Western Australia. It lagged behind. There were very conservative organisations running those group homes who thought that they knew best for people with disability. I am pleased to say that we are a long way from that now in Western Australia, and we do recognise that people with disability have the same rights and entitlements as people who do not have disability. We have clearly broken out of that shameful mould of the past that we were stuck in.
In Western Australia we have disability carers who are on poverty wages. The Barnett government have been quite remiss in looking at how they might improve funding so that workers with disability can earn a wage that they can live on so that they can buy food and make ends meet. It is quite shameful that that continues in WA while we have got this political split with the WA government doing its own trial. I have been contacted—as I am sure other senators in this place have been—by groups who represent people with disability in Western Australia to say that they do not want two trials. They do not want a unique Western Australian system, because they know what happened in the past and they certainly want a national NDIS to be very clear about what their entitlements are.

More alarmingly was the report that our shadow minister, Jenny Macklin, put out just last week. It has been reported in the media that the Turnbull government has some secret plan to take complete control of the National Disability Insurance Scheme. Certainly Labor senators would be alarmed, and people with disability would be let down, if we saw curtailing of entitlements and curtailing of this National Disability Insurance Scheme which people with disability fought so very, very hard to get established. It is something that Labor is very proud of. Into the future it will sit in our national psyche in the same way that Medicare does. It is something we should all be proud of and it is something we should absolutely be striving to keep.

Nevertheless, The Australian Financial Review reported last week that the federal government is trying to pressure the states and territories into sweeping changes that would allow the Liberal government to change the funding and who is eligible for NDIS. This has been an area worked out in consultation with people with disability. They have been at the forefront of designing the NDIS. Yet here we have this secret plan by the Turnbull government to try to undo that in some way. They want to stack the board with their own people who will be puppet men and women who will just do the bidding of the Turnbull government.

Let me tell you, it will be a very brave Turnbull government that takes on people with disability in this country, because we know the Turnbull government is fairly weak. Let us hope that people with disability will really complain, as they have been complaining—they have been very vocal—about this change to their NDIS. It is their NDIS: a scheme that they helped design and they have helped implement. Let's make sure that it remains intact. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Western Australia: Bushfires

Debate resumed on the motion:
That the Senate take note of the document.

Senator LINES (Western Australia) (18:28): I would like to thank Senator Back for this motion. I think it was put by Senator Back but maybe by Senator Smith as well. Certainly, we put up a motion over Christmas or early in the new year. We had horrific fires in the southwest of Western Australia. For those people who have not visited Western Australia, it is truly a beautiful part of our country. Many people go down to the winegrowing regions and so on. But it is also a bit of Western Australia's food bowl, particularly for dairy farmers and people like that.
This beautiful, green countryside that had been parched suddenly came alight. We saw massive fires in Western Australia that we have never seen the likes of before, with huge flames. They were completely unpredictable. Those fires were so fierce that they created their own weather patterns. It was truly, truly alarming. You could see the dark skies from Perth, and the fires were at least a two-hour drive away. That is how fierce they were—you could see this darkened sky. Senators in this place might be aware that the town of Yarloop was almost completely destroyed.

Senator Back, Senator Smith and other government senators put up a motion recognising the damage of the fires and wishing the towns and the people who have lost their homes—indeed, people lost their lives in these fires—all the best. It is pleasing to note that the Premier of Western Australia, Mr Barnett, has now established an inquiry. Obviously when there are fires there are all sorts of opinions and so on, but we will have an inquiry and hopefully that will be open and transparent.

A couple of weeks ago I had the real pleasure of meeting the firefighters with our leader, Mr Shorten. We had a thank you barbecue for some of the state government employees who work for the Western Australia Department of Parks and Wildlife who do a firefighting job, along with volunteers. I have put on the record in this place that, in a former life, I too was a volunteer firefighter in a very similar terrain to what people had to cope with down in Yarloop. We put on a thank you barbecue for those volunteer firefighters and, indeed, the firefighters who work for the state government. It was really of great interest to me and to Mr Shorten to hear firsthand from those firefighters. Many of them said that they were fires they had never seen the likes of before—completely unpredictable.

Certainly when you drive along the highway and you pass through Yarloop, it is an incredibly sobering experience to see this blackened township. Yarloop is a place where people do not always have a lot of money, and most people have lost everything. Many of those residents who lost their homes and all of their belongings in the fire did not have insurance. So they are going to need the help and support of the Western Australian community for a very long time to come. There is also the damage that was done to infrastructure in the region. Bridges were burnt out. The South Western Highway, which is a major thoroughfare, was out of action for a considerable period of time, and re-routing in Western Australia, with its huge geographic spread, adds hours and hours to people's travel. Of course, it being a holiday destination, many families were caught in the south-west and had to find alternative ways back.

The loss of life and devastation, particularly in Yarloop, is really sobering, and the Western Australian community are getting behind those people to try to re-establish that town. It is not clear yet whether the town will be re-established. Many of the workers work at the local Alcoa refinery, and it is just not clear what is going to happen. I cannot imagine losing everything in a fire or to have family members who lost their lives. When Mr Shorten and I went down there it was really great to be able to thank from the bottoms of our hearts the hard work of the firefighters, both volunteer and paid, who really put their lives on the line to fight those incredible fires that we had in Western Australia—fires that I do not think anyone in this place would ever want to see the likes of again. We wish the people of the south-west a speedy recovery to get back on with their lives. Let us hope that, whatever the outcome is for Yarloop, it is a good one.
Question agreed to.


Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (18:33): I move:

That the Senate take note of the document.

The Dental Benefits Act provided the framework for the former Labor government's dental scheme for kids, or the Child Dental Benefits Schedule. The scheme provides children of families who receive government benefits with up to $1,000 in dental treatment every two years. Only last week we saw media reports that the government has this scheme in its sights for cutting. The Australian Dental Association raised the alarm after a meeting Minister Susan Ley had with health and dental groups. In the meeting the minister is reported to have told the groups that the government did not think that this scheme, which is designed to reach three million children in low- to middle-income families, was an effective use of funds and she warned there would be further changes.

The kids dental scheme was a fantastic initiative of the former Labor government. We have long known that dental health is integrally linked to overall health and, if you have good dental health, you have overall good health. We know that, and that is why this scheme is so important. When Labor was in government we invested heavily in a strong dental system that would provide care for those who need it most. We boosted public dental funding, constructed new dental facilities across the country and we established the kids dental scheme, which was designed to help three million children across the country.

In their first budget, the Liberals got rid of $400 million worth of that investment in public dental—for the construction of new facilities, helping train new dentists and so on—but in their second budget they started the attack on the kids dental scheme, another fantastic investment made by the former Labor government. In last year's budget $125 million was cut from the kids dental scheme. This scheme means that more than three million Australian kids can get basic dental care for the first time—and it is basic dental care. It is means tested. It is targeted to the families who need it most. It is $1,000 every two years for kids up to the time they turn 18. It covers check-ups, fluoride treatments, cleaning, scaling, fillings and so on. It means that these kids start life with decent teeth, which then provides them with a decent health outcome. Last week I read that more kids than ever are having all of their baby teeth pulled out of their mouths in hospitals because dental care has become such a critical issue in Australia.

Instead of promoting this scheme, instead of making sure that the parents of every child who is eligible gets access to the scheme, the Liberals have hidden it and now it looks like they plan to cut it. More than a million children have already benefited, but that means that there are two million more kids out there who are eligible who have not yet benefited. So there is a huge number of children out there who could benefit from this scheme but are not going to get that opportunity.

Instead of cutting the scheme, Mr Turnbull should be looking at the advice of his own department which is contained in this report. There are 11 recommendations in the report and they go to a number of things. I want to touch on some of those recommendations. Recommendation 1 is:
Provide greater clarity and certainty for the public sector on continuing access to the Child Dental Benefits Schedule.

Recommendation 2 is:
Make the eligibility notification letter attractive and recognisable as a ‘voucher’ for services.

Recommendation 3 is:
Engage experts in marketing and communication to better target efforts on programme promotion including, for example, utilising communication channels other than the eligibility notifications.

Recommendation 4 is:
Ensure hard copy notifications are sent to families who receive notification through myGov, unless they have specifically opted out of hard copy communications.

Recommendation 5 is:
Provide hard copy follow up notifications to eligible families who have not accessed services.

Recommendation 6 is:
Expand the Child Dental Benefits Schedule within the scope of ‘basic dental services’.

Recommendation 7 is:
Amend the Rules to provide flexibility for time-based restrictions.

Recommendation 8 is:
Allow benefits for in-hospital dental services when clinically appropriate.

Recommendation 9 is:
Adopt the Department of Veterans’ Affairs ‘step-down fees’ model for the Child Dental Benefits Schedule.

Recommendation 10 is:
At the next opportunity, align the fee levels of the CDBS Dental Benefits Schedule with those of the Department of Veterans’ Affairs benefit schedule.

(Time expired)

Senator CAROL BROWN (Tasmania) (18:39): I would also like to speak on the Report on the third review of the Dental Benefits Act 2008. This review considered whether the act and associated rules achieved their purpose in supporting the establishment and operation of the Child Dental Benefits Schedule—the CDBS—from 1 January 2014 and the operation and closure of the Medicare Teen Dental Plan up to 31 December 2013. The report

In particular, the Panel noted the success of the CDBS in targeting the oral health of young Australians at an age where preventative measures can be most effective. It supported the right of every child to access dental treatment from both the private and the public sectors.

There is the important finding for those opposite to note:

The Panel agreed that it would make clear recommendations to Government to ensure the ongoing success and effectiveness of the CDBS.

I hope that a copy of this report makes its way to the desk of the Prime Minister and the Minister for Health, because, as we now know, the CDBS is set to be next in line for the government's never-ending quest for health cuts.

The $2.7 billion dental program has provided one million Australian children with affordable dental care over the past two years. Nearly all those children have been bulk-billed,
and 80 per cent were treated by private dentists. In the first year alone, nearly 900,000 children accessed the program. Many of these children are from families that have never previously been able to afford a dentist.

Labor initiated the scheme, following alarming reports by the Australian Institute of Health and Welfare that 42 per cent of five-year-olds and 61 per cent of nine-year-olds had experienced decay in their baby teeth, and 58 per cent of 14-year-olds had experienced permanent tooth decay. Despite the overwhelming need for the scheme, it has been under attack from the Liberals since the moment it commenced. Hopefully now they can read this review and see the difference the CDBS is making.

This review also makes a number of important recommendations that I hope the government will very seriously consider. Instead of ripping funding out of this program, the government should be promoting it. While more than a million children have accessed the scheme, it is admittedly far fewer than the anticipated three million, and the majority of the recommendations in the report go to this issue, supporting exactly what Labor has been saying, many parents remain unaware the scheme exists, and the Abbott and Turnbull governments have done nothing to address this. They have done nothing to promote it. Instead, in last year's budget the government ripped $125.6 million from the CDBS, and now we hear that the government is set to axe the program completely in the upcoming budget—whenever that might be.

However, I hope that those opposite can take note of the findings in this report and abandon their ridiculous attacks on this program. If they will not do this then maybe they will listen to the experts in the field. Tony McBride, the Chair of the Australian Health Care Reform Alliance, said:

I'm particularly concerned about the child dental scheme because it is about early intervention. It is already a means-tested scheme so it is targeted to those families from average income and down, those currently least able to afford dental care.

The federal president of the Australian Dental Association, Rick Olive, expressed concern about the news that the CDBS was facing the axe, and urged parents to lobby local representatives to keep the scheme.

The CDBS ensures that children have access to critical preventative dental treatment. That is why the CDBS is so important. The scheme provides eligible children up to $1,000 in dental treatment every two years. We know that the cost of dental health care is a significant barrier to access. In fact, we know that the out-of-pocket costs for dental care are four times higher than what it is for average health care, and now the government are looking to make it even harder for families to access these important health services. (Time expired)

Debate adjourned.

Western Australia: Bushfires

Senator BACK (Western Australia) (18:44): I seek leave to return to a document listed under 'Responses to Senate resolutions' on page 5 of today's Order of Business relating to the correspondence from the Premier of Western Australia, Mr Barnett.

Leave granted.

Senator BACK: I thank the Senate for its indulgence. The Premier commented on the horrific fires in January 2016 in the south-west town and community of Yarloop, around
Harvey and Waroona, in which 181 residential properties and businesses were destroyed and, most regrettably, two elderly gentlemen succumbed. It involved loss of livelihood and livestock. And, from the other place, the Chief Whip, Ms Marino, and her husband had to use power from their tractor to continue milking twice a day, which they then poured onto the ground because trucks could not get in to take the milk.

Premier Barnett refers to the appointment of Mr Euan Ferguson, the distinguished officer from the Country Fire Authority of Victoria to undertake an independent review of the fires and to provide recommendations. I have put in a submission to Mr Ferguson in a private capacity because of my keen interest in this area. I want to record the enormous work undertaken by both paid and volunteer firefighters and those who service and support: state emergency service personnel, police, counsellors—a very significant number of people involved in fires which regrettably went on for far too long.

I have had discussions with the minister, my colleague the Hon. Joe Francis, Minister for Emergency Services, because I am deeply concerned about the status of where we are in Western Australia. I was the last chief executive officer of the bushfires board in 1997. That organisation was then subsumed into what was known as the fire and rescue service of WA, then the fire and emergency services and now the Department of Fire and Emergency Services. It is my concern that Western Australia has moved away from the concept of a rural fire service.

Your state of New South Wales, Acting Deputy President Williams, has a Rural Fire Service, as does Victoria, South Australia, Queensland and the Northern Territory. I have expressed my view to Minister Francis and to Mr Ferguson that we need to be looking to return to the concept of a rural fire service, principally involving local governments and volunteer officers, supported by paid professionals. I have said it so often in this place that there are three parts to the fire triangle: one is oxygen, the second is a source of ignition and the third is fuel to burn. Time does not permit in the few moments allowed to me to reflect on the fact that we cannot control much about oxygen or ignition but we can control levels of fuel. I remain incredibly concerned that in this country, particularly in my state, that we are not doing enough to protect assets, lives, property, animals and natural environmental assets through fuel reduction. We have seen this in Tasmania in recent times and it is a subject that we must continue to prosecute in this place.

**The ACTING DEPUTY PRESIDENT (Senator Williams):** The time allotted for consideration of documents has expired.

**COMMITTEES**

**Membership**

**The ACTING DEPUTY PRESIDENT (18:48):** The President has received letters requesting changes in the membership of various committees.

**Senator RUSTON** (South Australia—Assistant Minister for Agriculture and Water Resources) (18:48): by leave—I move:

The Acting Deputy President (Senator Williams) informed the Senate that the President had received a letter requesting changes in the membership of committees.

The Assistant Minister for Agriculture and Water Resources (Senator Ruston), by leave, moved—That senators be discharged from and appointed to committees as follows:
Community Affairs Legislation Committee—
Discharged—Senator Heffernan
Appointed—
  Senator Paterson
  Participating member: Senator Heffernan

Community Affairs References Committee—
Discharged—
  Senator Heffernan
  Participating member: Senator Canavan
Appointed—
  Senator Paterson
  Participating member: Senator Heffernan

Economics Legislation and References Committees—
Appointed—Participating member: Senator Paterson

Education and Employment Legislation and References Committees—
Appointed—Participating member: Senator Paterson

Environment and Communications Legislation Committee—
Discharged—
  Senator Abetz
  Participating member: Senator Canavan
Appointed—
  Senator Paterson
  Participating member: Senator Abetz

Environment and Communications References Committee—
Appointed—Participating member: Senator Paterson

Finance and Public Administration Legislation and References Committees—
Appointed—Participating member: Senator Paterson

Foreign Affairs, Defence and Trade Legislation and References Committees—
Appointed—Participating member: Senator Paterson

Health—Select Committee—
Appointed—Participating member: Senator Paterson

Human Rights—Joint Statutory Committee—
Discharged—Senator O'Sullivan
Appointed—Senator Paterson

Legal and Constitutional Affairs Legislation and References Committees—
Appointed—Participating member: Senator Paterson

Murray-Darling Basin Plan—Select Committee—
Appointed—Participating member: Senator Paterson

National Broadband Network—Select Committee—
Appointed—Participating member: Senator Paterson

National Disability Insurance Scheme—Joint Standing Committee—
Discharged—Senator Reynolds
Appointed—Senator Paterson

Northern Australia—Joint Select Committee—
Appointed—Participating member: Senator Paterson

Publications—Standing Committee—
Discharged—Senator Back
Appointed—Senator Paterson

Rural and Regional Affairs and Transport Legislation and References Committees—
Appointed—Participating member: Senator Paterson

School Funding Investment—Select Committee—
Appointed—Participating member: Senator Paterson

Scrutiny of Government Budget Measures—Select Committee—
Discharged—Senator Abetz
Appointed—Senator Paterson
Participating member: Senator Abetz

Trade and Investment Growth—Joint Select Committee—
Appointed—Participating member: Senator Paterson

Unconventional Gas Mining—Select Committee—
Appointed—Participating member: Senator Paterson.
Question agreed to.

COMMITTEES

Report

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (18:49): Pursuant to order and at the request of the chairs of the respective committees, I present reports on legislation as listed at item 18 on today's Order of Business together with the Hansard records of proceedings and documents presented to the committees.
Ordered that the reports be printed.

Public Works Committee

Report

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (18:49): On behalf of the Parliamentary Standing Committee on Public Works, I present the committee's 79th annual report. I seek leave to have the tabling statement incorporated in Hansard.
Leave granted.
The report read as follows—
2015 was a busy and productive year. The Committee held more meetings and processed more referrals in 2015 than in any of the preceding five years.

In 2015, the Committee reported on 22 works, with a combined cost of $3.1 billion, and held 44 meetings, including inspections and public hearings across the country. By comparison, in 2014 the Committee dealt with 13 referrals and in 2013, 14 referrals.

Of the referrals in 2015, 11 were for the Department of Defence, totalling approximately $2.7 billion.

During the year the Committee also reviewed 40 medium works notifications. Medium works are projects with an estimated cost of between $2 million and $15 million. The Committee approved 37 medium works, with a combined cost of $235.3 million. Of the remaining three medium works, one was withdrawn and two were combined and referred to the Committee for full inquiry.

In July 2015 the Committee wrote to all agencies that had made referrals since 2010 reminding them of the requirement to provide post-implementation reports when a project has been completed. As a result, the Committee received 18 post-implementation reports and several status-updates for projects that are still in the delivery phase.

Mr President, the Committee strongly supports the requirement for post-implementation reporting. Not only does it support improved accountability and transparency, but there are real benefits to be gained by the agencies critically assessing their own project outcomes against key objectives such as timeliness and cost. For these reasons, the Committee will continue to put great emphasis on findings noted in post-implementation reports.

At various times during the year the Committee considered operational matters. These include a review of the monetary threshold for referral and possible amendments to the Public Works Committee Act. The Department of Finance is currently reviewing these matters and the Committee expects to be consulted on proposed changes in due course. The Committee recognises the importance of reviewing aspects of its operation from time to time to ensure its practices continue to be consistent with the Commonwealth's property management framework and the broader construction environment. Such considerations though must be made in a context that supports the fundamental principle of Parliamentary scrutiny.

In concluding, I would like to thank all who have assisted the Committee in its work during 2015 and I commend this report to the Senate.

Economics References Committee
Report

Senator KETTER (Queensland) (18:49): I present the report of the Economics References Committee on forestry managed investment schemes together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator KETTER: I move:

That the Senate take note of the report.

The Economic References Committee inquiry into managed investment schemes in the agribusiness sector was referred to the committee in June 2014. I commend individual members of the committee for their hard work over a long period of time on what was a major inquiry investigating agribusiness investment schemes.

This is a substantial and detailed report into what is a very complex matter.

Over the 20 months, the committee heard the harrowing experiences of individuals and their families, and the alarming extent of financial hardship that has been inflicted on a large
number of people, many of whom did not have the means to absorb the risks that they were being exposed to but were encouraged to do so.

Agribusiness investment schemes were devised to increase financing available to large-scale agricultural operations by pooling funds from small-scale investors. These were encouraged under the Managed Investments Act 1998, which was introduced to facilitate investment into agribusiness developments.

Managed investment schemes operate under the principle that, over a typical 20-year life cycle of a MIS, investors would pay fees in the early years to fund planting of crops and would receive a share of profits in later years when the crop was harvested. Sadly, many of these ventures failed to materialise, but it was clearly apparent that many investors did not understand the exact nature of their commitments and what they might be required to pay if the scheme failed.

The committee has decided to call this final report Agribusiness managed investment schemes: bitter harvest. This inquiry showed that despite the assertion that Australia avoided the GFC, in fact, many thousands of hard-working Australians who unwittingly invested in agribusiness ventures were devastated when credit dried up rapidly during the GFC. This is yet another sector of the investment industry that has failed ordinary Australians, and I wish to commend the hard work of the committee in reporting on the systemic failures of our regulatory environment that allowed this to occur.

Sadly, it is yet another example of the gung-ho days of fickle investment schemes launched prior to the global financial crisis that were 'too good to fail'.

Since FMIS schemes collapsed during the GFC, there have been significant changes to laws governing both financial advisers and lending practices. While it will be of little consolation to the victims of the schemes that were examined in this report, we in this place do hope that Australians will have a heightened awareness of investment risk, and this does not absolve government from putting in place regulations that will prevent unwitting investors from being misled in the future.

The committee learned that, when many of these agribusiness schemes collapsed, many investors not only lost their initial investment and expectations of income in the future but also were saddled with the burden of repaying the loans and interest on a valueless asset. Investors found themselves with full recourse loans that they did not know they had. We heard from people who thought they were simply buying shares but, when the schemes collapsed, discovered they were facing the possibility of losing their homes. Sadly, this remains a risk facing many victims.

There is no doubt that some agribusiness MIS victims have been devastated not just by the collapsed schemes but also by their financial advisers, accountants and lawyers who offered what can only be described as poor advice in encouraging them to make the investments and then, later on, in how to proceed when the schemes failed.

Further, in what can only be described as a travesty, we learned that lawyers advised investors to cease making their repayment obligations to creditors while class actions were proceeding through the courts. It was the committee's view that investors who followed this advice are now in even great hardship than those who continued to service their debts.
The committee found that MIS was yet another example of unwary investors being persuaded by trusted professionals to make investments in high-risk schemes with little understanding of the risks and the costs of failure. The committee notes that this inquiry builds on the conclusions of its previous inquiries into the performance of ASIC and also the Financial System Inquiry, which recommended increased powers for ASIC to intervene in the marketing of financial products. While improving the financial literacy of all Australians is necessary and desirable, these inquiries demonstrate that there is a need for improved regulation to ensure ordinary Australians do not enter into financial commitments which are not appropriate to their financial circumstances.

In seeking to address the systemic issues that allowed these investments to proceed, the report includes 24 recommendations for consideration by both the government and opposition parties. These recommendations seek to strengthen the regulatory environment to ensure that both the Australian Taxation Office and the Australian Securities and Investment Commission bring MIS retail investments fully within their oversight and make the financial advice industry fully accountable for its behaviour.

The committee was concerned that investors perceived that the tax deductible status of managed investment schemes indicated that they were endorsed by the ATO and has suggested that the ATO address this perception once and for all. The committee recommends that ASIC’s powers be strengthened for enforcement, banning orders and improving product disclosures.

The committee recommends that the federal government introduce legislation to ensure that loans for investment are subject to responsible lending laws to address the existing anomaly in federal and state laws. This is a recommendation that we urge everyone in this place to support. The committee recommends that the Victorian Legal Services Board investigate the lawyers responsible for advising victims to stop servicing their loans and consider whether compensation is warranted. For victims of the Great Southern collapse, the committee recommends that Bendigo Bank introduce a hardship program for the victims. Additionally, the committee has recommended the strengthening of financial literacy through ASIC’s MoneySmart program in schools and adding it as a standing item on the COAG agenda.

During the course of this inquiry—June 2014 to March 2016—compensation for failed financial schemes was considered by the FSI, and the FMIS inquiry specifically considered the 2012 recommendations of Richard St John on compensation. The committee shares the conclusions of both of these, and also those of the Wallis inquiry before them, that increasing ASIC powers and improving product disclosure standards is more appropriate than introducing a compensation scheme. Some submitters favoured establishment of a royal commission to further investigate the collapse of FMIS schemes.

The chair's report does not recommend a royal commission to further investigate the collapse of FMIS schemes. It is evident that there were loopholes in the law that allowed retail investors to be exposed to risks significantly above their capacity to absorb what have become devastating losses. Since FMIS schemes collapsed during the GFC, there have been significant changes to laws governing both financial advisers and lending practices. I commend this report to the Senate.
Senator WHISH-WILSON (Tasmania) (18:57): I instigated this inquiry by the Senate Economics References Committee into forestry managed investment schemes. I cannot think of a bigger financial catastrophe in this country than these schemes. Four billion dollars was lost on investment in forestry managed investment schemes, billions of dollars of tax was avoided, and hundreds of thousands of Australians have lost their life savings. An industry that was supposed to be set up for self-reliance, that used these incentives to invest in trees, was decimated. Those trees were sold at a few cents to the dollar to foreign interests.

Looking back at it, this was Australia's GFC moment. We had a complex, toxic product that blew up in the face of investors and a few people made a lot of money out of it. Whether they were financial planners, accountants, the promoters of these schemes, the forestry managed investment scheme companies themselves or listed stock market companies, a few people made a lot of money but lots of Australians lost not only their life savings but also their homes. Almost no-one has been brought to account on what I think is probably the largest financial scandal in this country's history.

I have seen the effects in my community in Tasmania: farmers with hundreds of thousands of hectares of trees they cannot touch, that are essentially valueless. What have we done to learn the lessons of history? The Senate did a good job looking at this. Unfortunately, it did not go far enough. The only way to prevent the same kind of catastrophe from occurring again is to remove the up-front tax deductions on these schemes which led to the rorts. We need a royal commission to get to the bottom of this. There are so many institutions and people involved in this—let alone CommInsure, Commonwealth Bank, National Australia Bank, Macquarie Bank and all the other scandals we have heard about in this chamber that the economics committee have examined.

The financial services industry in this country has a culture problem. The only way we are going to get to the bottom of that culture problem and make sure that we have the right laws in place—as you know, Mr Acting Deputy President Williams—is a royal commission, because it has the investigative powers and the resources to call the witnesses that this economics committee, unfortunately, was either unable or unwilling to call. That includes the accountants, the financial planners, the CEOs of companies and the former ministers who sat on their hands when the bells were being rung, that led to this catastrophe. If we do not learn the lessons of history, we are bound to repeat them. It is absolutely essential that we back former Senator Mark Bishop, of the Labor Party who, nine months ago, called for a royal commission into financial services. We need it now. I seek leave to continue my remarks later.

Leave granted.

Sitting suspended from 19:00 to 19:30

BILLS

Commonwealth Electoral Amendment Bill 2016

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

to which the following amendment was moved:
At the end of the motion, add:

but the Senate is of the opinion that there is a need to reform Australia's political donation system by lowering the disclosure threshold, banning foreign donations, restricting anonymous donations and preventing donation splitting to avoid disclosure.

Senator DI NATALE (Victoria—Leader of the Australian Greens) (19:30): Government of the people, by the people and for the people. For centuries people across the world have been prepared to lay down their lives for this democratic ideal. They do it because democracy provides citizens with freedom, with prosperity and with opportunities to flourish. They do it because democracy allows people to speak freely and to shape their own destiny. We are blessed in this country that it is the ballot and not the bullet that decides fate. The founders of modern democracy also understood that democracy is imperfect, that it is fragile and that it needs constant work and attention. Mungo MacCallum summed it up really neatly recently in a piece he wrote when he said:

… democracy can be slow, inefficient and infuriating to the point where even the best-intentioned can be tempted to try something else. But as history has shown, any attempt at replacement invariably ends in tears.

So democracy has to be sustained, nurtured and at times improved …

We do not actually get the opportunity to improve our democracy in this place. Normally we are fighting the opposite trend—fighting against the slow erosion of democracy—but today is a one-in-30-year opportunity to improve our democracy, to take power out of the hands of us politicians and to give it back to you, the voter.

A basic principle of any democracy has to be that the wishes of voters are reflected in the outcome of an election. The current rules for Senate voting fail that test. The system is broken when someone's vote for a candidate or party with one set of policies flows to another candidate or party with the opposite set of policies. The system is broken when 0.5 per cent of the vote can elect a senator and 25 per cent of the vote produces exactly the same outcome. The system is broken when one person can register a number of front parties with the sole intent of funnelling preferences to themselves, giving them a greater chance of being elected. Antony Green got to the heart of the matter when he said, 'It rather strikes me that rewarding parties based on their vote is one of the purposes of an electoral system.'

It is for all of those reasons that the Greens have been campaigning on this reform for more than a decade—from my colleague Senator Lee Rhiannon, who has done a sterling job on this issue over recent weeks, to the New South Wales parliament back in 1999 when we advocated for these sorts of changes. We then had Bob Brown introduce legislation back in 2004 and later in 2008. In fact, it was part of our agreement with the Labor Party when we supported them in office.

It is true that we would have liked to have seen this legislation go further and address other vital issues—issues like political campaign finance reform. Our ability as a parliament to address issues like global warming, reform of the health system and growing income inequality is getting harder each day thanks to the influence of wealthy corporate donors. Those donations are a corrupting influence on good governance and something that the Greens have been railing against for decades. Yet every time we have put legislation before this parliament to restrict corporate donations both the Labor Party and the Liberal Party have voted against it.
I have also heard it said that some of these changes will lead to less diversity and fewer ordinary people being elected to the parliament. It is worth noting that there are 226 members of parliament. The vast majority of them are people you have never heard of. Many of them actually are ordinary people—people who did ordinary jobs before they were elected. Some people, unkindly, have said that some of us are very ordinary indeed.

The truth is that the problem here is the lack of diversity in political opinion. What we are seeing is a stifling conformity that means that all too often what we hear is only a stage-managed, overly-rehearsed political perspective that often someone does not believe and comes across to the Australian community as totally inauthentic. One of my colleagues from the Labor Party described some of this behaviour as the behaviour of lobotomised zombies. It happens because authority has been so centralised between each of the major parties that we get this stifling uniformity of views. It is something that does not happen in many similar Western democracies. It is one of the reasons that many people are looking to vote outside of the two major parties. They are looking for smaller parties.

Many smaller parties have made an important contribution to the national debate. People are voting for parties like the Animal Justice Party because they care about animal welfare standards. They are voting for parties like the Pirate Party and the Hemp Party because they believe in drug policy and law reform. They are parties that have made an important contribution to the national debate. To ensure that this continues we have insisted on a system that means that voters will need to allocate at least six preferences above the line or 12 preferences below the line. That means that there is now an active choice from the voter to think beyond the duopoly of Australian politics.

We fought to keep membership thresholds low, which is a feature of this legislation, and we have a bill before the parliament to lower the financial barrier to register for elections to encourage smaller parties to participate. But simply being a small player who brings a different perspective to the parliament is not reason enough to be elected. Just because you are small should not be enough to get you a position in the parliament. If it were, we would see some of the racist anti-Semitic groups that currently stand for office also saying that they deserve a seat at the table. The Greeks had it right when they warned that the system of tyranny is only as good as the worst man who can become a tyrant.

I have heard it said that parties like the Greens have relied on the current system to build our support, but I have to tell you that that fundamentally misunderstands the history of the Australian Greens. We are the political arm of a people-powered grassroots movement. I can tell you about my own story in the state of Victoria. When I joined in the year 2000, we had one member of local government. Through a lot of hard work, through branch meetings, through trivia nights, through a hell of a lot of elbow grease, that support built slowly over time. More people were elected to local government. Finally, there was a breakthrough into the state parliament and then, in 2010, our first Victorian senator was elected with a quota in their own right. That is the legitimate pathway to political success. There are not any shortcuts here.

How is it that after 12 public hearings over a year and a half by the Joint Standing Committee on Electoral Matters and an outcome that produced a unanimous report, supported by all of the major parties here, we are now seeing the Labor Party oppose those reforms? We know that people like Alan Griffin, who actually co-authored Labor’s internal post-election
review, and people like Gary Gray, who was the party spokesperson on electoral matters, support these changes. We know that many other Labor MPs support these changes. I will not quote them at length. So the question is: what has changed here?

The factional powerbrokers have flexed their muscle. That is what has happened. The same people who were responsible for toppling a couple of prime ministers and for scuttling a whole range of really important progressive policies have decided that they do not want this Senate taking away their power and influence, because it is through these backroom preference deals that these people really shine. They wield their power and influence as a result of the current system, and they are fighting hard to keep it. The sad reality is that it is these people who now control the Labor Party. You know the type: the sort of person who gets rid of a sitting Prime Minister and cannot wait to go on TV to re-enact their role in it. They are the brains trust who have decided that they can convince people that, because the Greens are supporting a policy that we have advocated for over a decade, somehow we are in bed with the government—because we are supporting our own policy! You have to ask yourself: who thought of that great planning?

The Labor Party, a party that has voted with the coalition a third of the time, is having a go at the Greens for voting with the coalition six per cent of the time. It wants to say that we are too close to the government—

*Senator Dastyari interjecting—*

**The ACTING DEPUTY PRESIDENT (Senator O'Neill):** Order, senators! Senator Dastyari!

**Senator DI NATALE:** This is from a party that joined with the government to slash the renewable energy target and include the burning of native forests as renewable energy. This is from a party that is on a unity ticket with the coalition when it comes to opening up new coalmines around the country. This is from a party that voted to continue locking up young kids and to turn boats back, putting people's lives at risk. This is from a party that voted to gag doctors to prevent them from speaking out against the abuses occurring in detention camps.

*Senator Dastyari interjecting—*

**Senator DI NATALE:** This is from a party that joins with the coalition to drop bombs on Syria and then says, 'We don't want to have a national debate about it,' when it has the opportunity to support Greens legislation. This is from a party that voted with the government to rip money out of the pockets of university students—

**Senator Cormann:** Madam Acting Deputy President, on a point of order: Senator Dastyari is interjecting so loudly and so shrilly that I cannot actually hear the contribution by Senator Di Natale.

**The ACTING DEPUTY PRESIDENT:** Thank you. I draw your attention—

**Senator Cormann:** I think it is actually your job to draw Senator Dastyari to order.

**The ACTING DEPUTY PRESIDENT:** Senator Dastyari, on the point of order?

**Senator Dastyari:** If we are going to start playing these games, I draw the chair's attention to the state of the chamber.

*(Quorum formed)*

**Senator DI NATALE:** As I was saying, Madam Acting Deputy President—
Senator Dastyari: I'll make sure there are 19 of you here all night.

The ACTING DEPUTY PRESIDENT: And I remind senators to adhere to standing orders.

Senator DI NATALE: here we are. It is a party that has joined with the government to slash the renewable energy target, to continue to open up new coalmines, to lock up young kids, to turn boats around, to ensure that they gag doctors from speaking out, to continue to drop bombs on Syria, to ensure that we rip money out of scholarships from university students and to join with the government in their heavy-handed, paternalistic and completely ineffective welfare measures directed at Aboriginal people. It is a party that has joined with the government to support mandatory data retention. The list goes on and on and on. To paraphrase a former Labor Prime Minister: I will not be lectured about voting for the coalition by the ALP, not now and not ever.

We are proud of our record in this parliament. Let us start with one of the issues that you have taken issue with, Senator Dastyari—that is, the issue of pensions. We did not support John Howard's unfair pension changes when he introduced them, and we were proud to be able to take them back and to ensure that we redistribute income from those people who are wealthier to give more to those people at the bottom end of the income scale.

The same goes for tax transparency, Senator Dastyari. Under your plan, we would have absolutely nothing but, thanks to the Greens, we now have: country-by-country reporting, more powers within the Australian Taxation Office, and just this week companies will now have to disclose the amount of tax that they pay. But do you know what my favourite attack is? My favourite attack is—and I read about this one today—that we have been criticised for supporting the establishment of the Medical Research Future Fund. I saw that on one of the Labor billboards. So we have got medical researchers right across the country who now have $20 billion to bring a return to the medical research investment community here in Australia, who have developed a life-saving treatment as a result of that and the ALP think it is such a bad thing that they have included it on their dirt sheet. Do you know what someone forgot to tell the brains trust within the ALP? They actually voted for it. You cannot make this stuff up!

And then we have got Labor's grand plan. The grand plan is that if you support a democratic reform and put the power back in the hands of voters that somehow you are giving control of the Senate to the coalition. Apart from the fact that if you keep fighting us rather than the coalition, it may actually become a self-fulfilling prophecy, let me make this one point: if these changes were introduced in 2010, right now we would have the Greens and Labor with a majority in the Senate and we would still have the carbon price. We would still have those laws that we helped establish. Some of those laws are the most ambitious climate laws anywhere in the world and you are saying that you want to prevent a reform that would have helped us keep the carbon price. You argue that we should hold off on passing the bill—just do not do it now; just do not go to a double dissolution—as though somehow we should have an unfair voting system for one election and then change it to make it fairer after the next election. You either believe in democracy or you do not.

Let me say a few things about the role of the ACTU in their campaign against these reforms. When union members' money is being spent on misleading robo calls and push polling against a party that has got a proud record of standing alongside ordinary working people, it is no wonder that we are being contacted by union members, some of them senior
officials, to apologise on behalf of the union leadership. I have to just say this: at a time when the union movement is having an existential crisis, they need to decide whose interests they represent. Do they represent the interests of ordinary working people or do they represent the interests of the Labor Party? Because they are not the same thing.

Politics is a long game. People in this place get really excited about the day-to-day tactical battles, about the arcane Senate procedures, about how we can manoeuvre ourselves to outposition our political opponents. But you know what? It is ultimately the substance that wins out, not some win over some obscure senate motion, not year 9 billboards that you plaster around the internet.

In closing, the Labor Party should actually try and understand my story, because, if they do not, their decline will continue. I come from a working class immigrant Italian family. We are a family of tradies, of teachers, of people who are ordinary workers. I had a grandfather who eulogised Gough Whitlam. He thought Gough was the greatest man alive. And you know what, 30 years ago there is a good chance that someone like me would have been sitting over there but not anymore. Even though my politics were forged from those values, after the gradual shift across to the right, after Labor introduced mandatory detention, after successive Labor governments signed the death warrant to some of our most precious native forests, I decided that you guys do not represent my values or the values now of many hundreds of thousands of Australians.

Thousands more have come on board over the years. When John Howard joined with Kim Beazley to excise Australian land as a result of the Tampa crisis, thousands more came across. When Labor joined with the coalition to support the invasion of Iraq, thousands more came across to the Greens. When Labor walked away from the greatest moral challenge of our time—that is, global warming—thousands more came across to the Greens. And that will continue to happen unless you recognise that it is you that is the problem, not us. When it is all said and done, my advice to the Labor Party is: if you really want to defeat the conservative policy agenda, you need to focus your attention on the conservatives, not on us.

Senator Dastyari interjecting—

The ACTING DEPUTY PRESIDENT: Order! Senator Di Natale, I remind you to make your remarks through the chair. To those interjecting, I ask that you restore order to the process.

Senator DI NATALE: When it is all said and done, what the Australian Labor Party need to recognise is that if they want to defeat conservative policies, they need to focus their attention on both on the conservatives within their own ranks and on the conservatives that lie opposite. Those opposite need to recognise that we have an opportunity here to defeat a conservative government that has been one of the worst administrations in the nation's history. The choice is yours: continue to do the cause of progressive politics a great harm or focus on defeating a conservative policy agenda, an agenda that lies with those opposite.

Senator IAN MACDONALD (Queensland) (19:51): I rise to speak on the Commonwealth Electoral Amendment Bill 2016. This legislation is all about giving Australians the right to select their candidates in the Senate. That is what it is all about. It is a very simple piece of legislation. Not only is it a simple piece of legislation but it is a piece of
legislation that has the unanimous support of all political parties and that includes the Australian Labor Party.

What we do not want in Australia, what the Australian public do not want is the sort of thing that happened in Queensland last election, where people wanted to vote for Mr Bob Katter, a former National Party member of parliament who jumped ship became an independent. He used to pretend that he was supportive of his old party, the Liberal-National parties in Queensland, but he registered his party's card in the Senate and, unbeknown to almost 99 per cent of the people who voted for his party in the Senate, he was actually giving his preferences not to the Liberal-National Party, which he pretended he supported, but to the Australian Labor Party before he gave them to the Liberal-National Party. Sure, he did not give the Labor Party Nos 7, 8 9 on his ticket; he gave them Nos 53, 54, 55 and 56. But he gave the LNP Nos 73, 74, 75 and 76.

Do not hold me to the numbers, but the position is correct and so anyone that voted for Mr Katter would have thought, 'Well, I'll vote for him and I'll vote for his Senate team because he used to be in the National Party and he will be on that side.' But people did not know that in actual fact he had on his registered ticket given the Labor Party preferences. Of course, I might say it fell to some of us to expose this—most people could not understand it; they did not realise—that by voting 'one' for Katter, in the Senate, they were actually preferencing the Labor Party. We tried to expose that. I might say that one of the reasons why Mr Katter then ultimately received such a poor vote in his own electorate was that people were alerted to the fact that their choice was not being followed. Whilst they were happy to vote for Katter himself, they did not want their second preferences in the Senate to go to the Labor Party. That is what this legislation is all about. It puts it back to the people of Kennedy and of every electorate in Australia—the opportunity of picking who they want as a candidate in the upper house as they do in the lower house.

Quite frankly, they are nice people—I love Senator Madigan, I love Senator Muir; I think they are very nice people—but very few people in Australia would have consciously cast a vote for those two, or some other senators. We also had the ludicrous situation in Queensland and Tasmania where people voted for Mr Palmer's candidates on a pro-development, pro-mining platform and suddenly they got into the Senate and they found that the candidates they elected on Mr Palmer's ticket, with his broadly-set pro-development platform actually turned out to be exactly the opposite. That is not a matter that is being addressed in this bill, but it is all about the people of Australia being given the right to select who they want as a candidate in the upper house as they do in the lower house.

Under this bill, voters will have the choice. They can go above the line and they can select the parties they want to favour. So if, as I hope most of them will, they put No. 1 in the Liberal-National box that will mean that their vote above the line effectively means 1, 2, 3, 4, 5, 6 for the Liberal-National candidates, and the one they have given the No. 2 box to will mean that anyone who votes for the Liberal-National Party first, whoever they voted for No. 2 then will get 7, 8, 9, 10, 11, 12 of their votes. So it will be up to the voters actually to determine which party, or which group of senators from a party, they want to elect first and which ones they want to elect second—they will have the control.

But this bill, as it is going to be amended, actually takes that further. It says to the voters of Australia, 'Look, if you want to, forget about the political party; you do not even have to vote
for their 1, 2, 3, 4, 5 and 6 members. Go below the line and if you can fill in 12 numbers you can select whoever you like.' It could be No. 1 from the Liberal-National Party, it could be No. 2 from the Labor Party, it could be No. 3 from the Greens.

Senator McKenzie interjecting—

Senator IAN MACDONALD: It is up to the voters then to determine who they want to represent them in the Senate. And what an amazing situation that is, Senator McKenzie. Fancy letting the voters actually make an informed decision on who they want! That is how it is in a democracy.

The situation as it was after the last election provoked and engendered absolute outrage. I have been around politics a long, long time and I have never seen the overwhelming public anger that followed the last Senate election. Suddenly, Australians woke up to find that the balance of power in the Senate meant that the popularly elected government—the government that was elected on its policies to do what the Australian people wanted it to do—was going to be held to ransom by a senator from Victoria and a senator from Tasmania and a senator from Queensland who no-one had ever heard of. The Queenslanders, perhaps, had heard of Senator Lazarus when he played State of Origin—for New South Wales—but they would have only known of him in that situation. So there was palpable anger in the community.

There has been a lot of talk in this chamber about getting rid of the current crossbenchers. Quite frankly, if the current crossbenchers are any good they will in the normal course of events have another three years and a bit to get themselves known and to let people know what they stand for. I am quite sure that some of the more reasonable senators, like Senator Day, Senator Leyonhjelm and Senator Dio Wang, will over the next three years provide and demonstrate to the voting public that they are worthy of the vote of Australian voters, who will go along and tick the boxes. They might tick them No. 1, they might tick them No. 4 or they might tick them No. 12, but it will be up to the people of Australia in those various states to determine how they vote. They will not have to rely on backroom deals—which some of my colleagues are very, very familiar with—on where the party's registered tickets go.

The outrage, the palpable anger, of the Australian public following the last election was the cause for an immediate investigation by the Joint—and I emphasise 'joint'—Standing Committee on Electoral Matters. That committee consisted of all parties and senators who were not on that committee—like me—were all made participating members and were able to go along. I in fact did go along. I attended almost every meeting of that electoral matters committee, because I was interested. I had been petitioned by my constituents to do something about this outrage.

That committee went all around Australia. We even went to Mt Isa and took evidence there. People came in and told us what they thought about it and what they thought should happen. As a result of that, the committee unanimously—and can I say 'unanimously' again, again and again—determined that what had happened before was just a rort on the system. In fact, the chairman of that committee, the Hon. Tony Smith, said:

The 'gaming' of the voting system by many micro-parties created a lottery, where, provided the parties stuck together in preferencing each other (some of whom have polar opposite policies and philosophies) the likelihood of one succeeding was maximised. Many voters were confused. If they voted above the line, the choice of where their vote would go was effectively unknown, and accordingly in many cases their electoral will distorted…
While such ‘gaming’ of the system is legal, it has nonetheless distorted the will of voters, made Senate voting convoluted and confusing, and corroded the integrity of our electoral system.

I could not have put it better myself. In saying that, the then chairman of the Joint Standing Committee on Electoral Matters encapsulated the views of every single member of that committee—and every single member included such Labor luminaries as Senator John Faulkner. I had my issues with Senator Faulkner over our joint long periods in this place, but Senator Faulkner was seen as a reasonable and sensible exponent of what was right and what was wrong in Australian politics. Senator Faulkner was very, very keen on this, as was Mr Gary Gray, a man who, again, I have had my issues with, particularly when he ran the Labor Party as general secretary and almost won an election. I had my issues there but, when it came down to what is right, and to give the Australian voters their choice, Mr Gray, along with Senator Faulkner, Senator Tillem and Mr Alan Griffiths—I remember them being on that committee—respected senior members of the Labor Party who understood parliament, unanimously joined with other members of the committee in making recommendations.

Back in 2014, the committee suggested that the bill abolish individual and group tickets, and the bill before us today does just what the committee recommended in May 2014 and, I might say, what they approved just a couple of weeks ago when again meeting on this bill. Back in 2014, the committee determined in relation to above-the-line voting that the bill introduce optional preferential above the line, providing advice printed on the Senate ballot paper that voters number at least six squares in order of the preference. The committee recommended introducing optional preferential voting above the line in that way. The committee also recommended partial optional preferential voting below the line with a minimum sequential number of preferences completed equal to the number of vacancies—six for a half Senate election and 12 for a double dissolution and two for any territory or state. The bill that came to the parliament proposed a change to the vote savings provisions to allow up to five mistakes by a voter when sequentially numbering, but otherwise left the old system in place. That was the bill that was brought to this parliament earlier this year.

The Joint Standing Committee on Electoral Matters had a look at everything. We had evidence from all the luminaries in the psephology profession around Australia—for example, Anthony Green and Professor Edwards. They were all there and all gave very clear and incontrovertible evidence that this change had to happen and it had to happen immediately. They convinced the committee that the committee should recommend an amendment to the government's bill, and the committee—as parliamentary committees work—actually said, 'Even though there is a majority of government members on this committee, we will unanimously suggest that there should be this amendment to the bill.' That was the unanimous position three years ago. It was not unanimous this time, because, in spite of Mr Gary Gray's best efforts in the caucus, the Labor Party heavies vetoed it for reasons I do not understand—which I suspect that they do not really understand either. They made all these strange claims like, 'This will favour the Liberal Party.' They put these positions to some of the experts there—all of whom shot those claims down with the comment: 'Yes, if the Liberal Party get more votes in the election it will favour them but, if the Labor Party get more votes in the election, it will favour them.' It just showed the paucity of the argument by the Labor Party.

There was an issue raised about exhaustion of vote, but unfortunately my time is not going to allow me to go into—
Senator Dastyari: I will give you leave for another half an hour.

Senator IAN MACDONALD: Would you?

Senator Dastyari: Happily.

Senator IAN MACDONALD: That is great. I thought you people all wanted to speak on this.

Senator Dastyari: We do, but we do not want to deny you your right to speak.

Senator IAN MACDONALD: As I understand, we have a limited time for the debate so if you want to give me a couple of hours to speak I am very happy to do that. It just means we will not have to put up with some of the hypocritical rubbish we will hear from members of the Labor Party, who three years ago had some of their senior and most respected members—the people who understood parliament; people like Senator John Faulkner, Senator Tillem and Gary Gray—who thought it was a move that had to be made.

The committee, as I said, endorsed the bill as presented. There were a number of issues in the bill but the one that is of greatest importance to us all is that the bill as originally proposed recommended that, above the line, voters would have the choice to select party groups in sequence—so 1 for the Liberal-National Party, 2 for the Christian Democrats, 3 for the Woop Woop party and 4 for the Greens. I do not think the Labor Party would even get to 6 in that. Nevertheless, it is up to the voters. It allows the voters to make these choices. The committee adopted that part of the bill brought forward by the government.

However, the committee in considering this—as I said, there was quite a number of very special, very talented, very learned professionals and others who gave evidence to the committee. At the end of that, the committee was convinced that the government had not got it quite right, and the committee said to the government, ‘We would prefer you to go back to what this committee unanimously recommended three years ago’—that is, the committee including Senator Faulkner, Mr Gary Gray, Senator Tillem, Mr Alan Griffiths—I think it was—and a couple of other Labor luminaries. What they recommended three years ago and what we the committee meeting a few weeks ago—this is what we think the government should do. We think that, as well as having that optional preferential above the line, the government should also amend the bill to produce a system that voters should be instructed on the ballot paper to mark a minimum of 12 preferences below the line and a related vote-saving provision for below-the-line votes to be introduced to ensure that any ballot with at least six boxes numbered in sequential order would be considered as formal.

The committee, after strong deliberations and after consideration by all those involved—I again repeat that, although I was not a formal member of the committee, I attended because under the system in the Senate we can be participating members. I am not sure that I saw too many of the crossbenchers who are complaining so much now. I do not remember those senators turning up to consider this bill, and there were not very many Labor senators there. Notwithstanding that, those who did attend, who heard all the evidence, who understood the arguments put forward and who understood the reasoning of the committee three years ago when again, I repeat—and I am sorry if I am being tedious on this—unanimously all parties, including the Australian Labor Party, recommended this should happen. The committee again recommended that below the line we should have an optional preferential of 12 preferences.
with a saving provision that six boxes numbered would be considered formal. I urge the Senate to support what the committee proposed.

Senator McALLISTER (New South Wales) (20:11): I want to start by saying that of course I am willing to concede that we need electoral reform. I have been on the record in this place and in other places talking about the need for reform of our donation system, talking for a need for an increase in transparency in politics and for a need for voting arrangements in the Senate to more properly reflect the will of the Australian people. I think it is possible to say these things and to believe these things but also to argue that these are not the right reforms—the reforms that we have before us in this bill—and that this rushed process is not the right process to deliver that reform.

I want to say particularly that the procedural decisions made by the government and their new coalition partners, the Greens political party, prevented the Joint Standing Committee on Electoral Matters from inquiring properly into this bill. That is why I will be moving an amendment in committee stage to refer this bill to the finance and public administration committee so there can be a full and proper consideration of the operation and the consequences of the greatest changes to Senate voting in a generation.

Through the course of this debate, Greens senators have gone out of their way to impugn the motivations of Labor senators in approaching the legislation the way we have. I have listened carefully to the speeches from Greens senators over the course of this last week. I am not going to repeat their assertions, but I do want to address them.

Our position on this bill was made perfectly clear in our dissenting report on the Joint Standing Committee on Electoral Matters report on this bill. I want to read it into the Hansard because it said that:

1. Labor Senators and Members recognise there are legitimate concerns about the laws governing the election of Senators and the outcomes of the 2013 half Senate election. No system is perfect - the current system for electing Senators is no exception.

2. We believe the appropriate response is for the Parliament to deal with these concerns through a considered, principled and transparent process, involving all parties and, importantly, unaligned Senators and Members, to devise a solution which enjoys support across the political spectrum and prioritises the democratic interests of the Australian people above all other interests, especially the partisan self-interest of some established parties.

People need to be very clear that this is a rushed process and it is rushed because it is driven by partisan concerns.

The coalition and the Greens political party are not pushing this legislation because of some altruistic concern for the state of Australian politics. They are doing it for naked political advantage. It is worth considering what Ross Gittens has said in a recent piece:

If the Coalition has proposed a move to optional preferential voting, allowing people to express their preferences for up to six party groupings, it's a fair bet it believes such a system will advantage it over its Labor rival.

If the left-leaning Greens and the centrist Xenophon party are happy to give the Coalition what it wants, it's a fair bet that's because the deal leaves room for their comfortable survival, while raising the drawbridge against the emergence of new minor party rivals of either leaning.

And no less a commentator than former Prime Minister John Howard has been quoted saying pretty much the same thing. He has said:
The principal beneficiary of these changes is probably the Australian Greens and that is why the
Australian Greens are so strongly in favour.
He went on to say:
I hope this does not presage some kind of understanding about preferences in the House of
Representatives between the coalition and the Australian Greens.
Well, he was right to be concerned and I think the Australian people ought to be concerned. It
does seem, although we do not have the details, that an agreement is in the wings between the
Australian Greens and the coalition. Of course, Greens political party colleagues would be
welcome to put these rumours to rest this evening in the debate.

Michael Kroger has laid out the strategy very clearly in _The Australian_ in the recent
weekend paper. He says that he plans to keep Labor guessing about the truth of any Greens
preference deal until election day, to bleed the opposition of $3 million in campaign resources
to defend Labor heartland seats. The article goes on to quote Mr Kroger directly—and, again,
those opposite may wish to correct the record if these quotes are incorrect. He says:

Handing them (Labor) seats like Wills andBatman and Maribyrnong and some of the other seats where
we would have a lesser chance … requires Labor to start to take resources out of … seats and putting
those resources into seats where they have to try to hold and win.

He is considering issuing a separate how-to-vote card at pre-polls to those that are handed out
at polling booths on election day just so that nobody will actually know the truth of the
arrangements between the Liberal Party and the Greens, because this is a deal that will not
bear scrutiny. The article goes on to point out:

This strategy will not greatly increase the Liberal vote, but Liberal sources believe that the party could
have won the seats of McEwen and Indi in Victoria had it received a few hundred more Greens
preferences at the 2013 election.

I think we need to think very carefully about what it means for the so-called progressive party
of politics to be discussed in this way in one of the major broadsheets in this country and not
repudiating that story. If the Greens political party does intend to strike a deal with the
coalition to return a coalition majority to the other place, to return a coalition majority into
this chamber, then that is something that I believe progressive voters will have very serious
concerns about.

I listened to Senator Di Natale's pious words about his views about the moral superiority of
the Greens when it comes to progressive politics. I say to him a word of advice: the punters
are not mugs and when they see a Greens political party acting in the most cynical of ways,
putting aside all of their progressive values to work hand in glove with a coalition party, to
return coalition members to seats, to deprive the Labor Party of resources, to drive harder and
harder towards an outcome where it is not possible to form a progressive government in this
country, then Greens voters will have very serious questions to ask about the party that they
have put their faith in so far.

My caution to Senator Di Natale is that this is a process that is not in keeping with the
values of his activists, it is not an approach that is in keeping with the values of Greens voters
and I do not believe it is in the interests of the Australian people. However, these are choices
for the Greens political party to make. They will no doubt meditate on their commitment to
the progressive cause in the coming days, and all of the rumours suggest that many of them
already are.
I will conclude on that series of remarks by simply saying that the Liberal Party make a virtue of pragmatism. Certainly my party is a party that seeks to gain outcomes, have never pretended that we are against compromise, have always said that we are looking for outcomes for the Australian people that will help the poor and dispossessed, will help the environment, will help women and will help those who stand at the margins of society, and we are willing to get our hands dirty in the political process to do that. The Greens political party have eschewed this as their core mantra about their superiority in the political race. I would say to them that the path they are going down is, indeed, very pragmatic. There is no scenario imaginable where the Labor Party would seek to hand a majority here, or in the other place, to the coalition because we understand, with some keenness, what that would mean for the people whom we represent. I am most surprised at the Greens political party turn to the right in this regard.

I want to come back to the question of process because when we are dealing with legislation that has direct partisan political consequences, this time more than ever we need to make sure that a proper process is followed, and that has not happened on this occasion. The public has not been given a chance to make their views known. This is not how serious reform is supposed to be undertaken. It is a very big contrast for a government which loves talking and, in recent weeks, has indicated that it will initiate a review at the drop of a hat. You will recall that we actually spent months talking around and around in a national conversation about tax reform, about a plan for the GST that, as it turns out, was not actually a plan and has been soundly repudiated by the Prime Minister.

The education minister initiated an inquiry into the Safe Schools program because there is a very small number of people who, seemingly, have a problem with vulnerable children being protected from bullying. We have time for all of those things, but we do not have time for a proper conversation that involves the Australia public to talk about this proposal and, instead, we are ramming it through, which I should say set the tone for the approach taken in this place over the last 12 hours, where we have seen motion after motion to gag speakers from the Labor side.

The inquiry that was set up to consider this bill was hamstrung from the outset, and I heard Senator Macdonald make his remarks about who bothered to turn up. I would say: if senators did not engage fully—and I do not believe that is true of Labor senators—it is because they knew the fix was in. This was a ludicrous process. There was not enough time given for members of the public to make submissions to the inquiry on this important piece of legislation.

The agenda for the public hearings in relation to the bill was decided by the government and the Greens political party, and it cut out many qualified and competent witnesses who happened to disagree with the government and their new partners. The inquiry allocated just four hours to inquire into the bill. On any assessment this is insufficient time to consider what is the greatest change to Senate voting in generations. The committee secretariat was not given adequate time to prepare a thoughtful report. In fact, the report was drafted immediately after the committee concluded its hearings, with Labor senators receiving the draft report that same night at 9.50 pm. I should explain this for those who may not be as familiar with the minutiae of the committee process. The deadline for the dissenting reports was 8 o'clock the following morning. So from 9.50 pm through to 8 am the next morning, opposition senators
had the opportunity—thanks very much; we appreciated it—to digest the contents of the report and prepare our remarks. How utterly ridiculous. There are just no circumstances where a process of that kind could be defended, and I am surprised that there are those in this chamber who would seek to do so.

We have not heard any compelling case for this urgency. Although the government will not say it in public, we know that the real reason is to clear the way for a double dissolution election. The reason that they want a double dissolution is so that they can force through a retrograde, conservative agenda—to create the opportunity for Senate control or, if that does not work, for a joint sitting of the parliament to sneak through the worst aspects of legislation which have been fought in this place. What surprises me is that the Greens political party would facilitate a process of this kind. Why would this be the case? Why would this be in the interests of a group of people who seek to be the natural home for Australian progressives? It certainly does not sound like a strategy to attract progressives to your organisation.

I made reference earlier to Ross Gittens’s observation that this deal leaves room for the comfortable survival of the Greens while raising the drawbridge against the emergence of new minor party rivals of either leaning. We have had a few history lessons from various parties, but the Greens political party had their origin also, of course, in preference deals. Really there is nothing wrong with that. Unsurprisingly, the first Greens seat for Tasmania in the Senate was won off the back of preferences. In 1996 the Liberals won three out of the six seats in Tasmania, Labor won two, and we were ahead of Senator Brown by 3,500 votes. But Brown ended up winning on the Democrats’ preferences. The origins of the Greens lie in preference deals. But, at that time, they were trading preferences with a centrist party with at least some common values to their own. That is not the situation today. At the 2013 election The Australian reported:

There is bad blood between Senator Hanson-Young and Senator Xenophon. At the last election, the Greens moved to protect their senator by deliberately diverting preferences to the right-wing Family First candidate, Bob Day, ahead of Senator Xenophon’s more progressive running mate, Stirling Griff.

I think the Greens could explain that decision to their members who care very deeply about same-sex marriage and explain why they were willing to provide those preferences on that basis.

At the same election, the Greens relied on preferences from the Palmer United Party, and Sarah Hanson-Young would probably not be here if it were not for the member for Fairfax. The Sydney Morning Herald at the time reported:

The Greens have looked past the party’s anti-mining stance to go into a preference deal with minerals mogul Clive Palmer in an apparent bid to save the political career of Sarah Hanson-Young.

A day after the Greens reacted with fury at the WikiLeaks Party for directing its preferences to far-right parties, including the white nationalist Australia First Party, it has emerged that a deal with the Palmer United Party will boost the re-election chance of Ms Hanson-Young and of new ACT Greens candidate Simon Sheikh.

Of course, now they are cutting out the middle man. From their very high moral ground, that they love to claim despite the reality of their origins, they are now cutting out the middle man and they are seeking to exchange preferences directly with the Liberal Party—directly with the conservatives in Australian politics. They have absolutely sold out, and they have forgone any right to claim the high moral ground.
Why not just admit it? Why not relax a little, take a step back, admit that this is, in fact, emerging as a fiasco for the Australian Greens. Why not accept that maybe some mistakes have been made, maybe a more consultative approach would have been better. Maybe rethinking the relationship that the Australian Greens seek to have with conservatives in this country would be a wiser approach for this party which claims to own progressive values, because what we have seen in the chamber today is that this is not a party that can make any such claim. This is a party that, like all other parties, seeks to get involved in the ebb and flow of party politics, the ebb and flow of the chamber and the ebb and flow of compromise. I do not agree with the compromises that have been made by the Greens political party in recent weeks. I think there are grave errors and I think they imperil the fate of progressive politics in this country. I think this is something that all progressives ought to be deeply concerned about. But I do not blame them for getting involved. I simply say to the Greens: this is a miscalculation. You need to stop sitting on the moral high ground. You need to admit that you are making your best efforts, as we all are, to do the right thing by the Australian people in this chamber. You need to recalibrate your thinking about what is truly best for progressive politics and stop playing this game—this desperate attempt for relevance, this cynical attempt to gain political advantage and return to the values which you say define your party.

Senator McKIM (Tasmania) (20:29): I am very proud to rise to support the Commonwealth Electoral Amendment Bill 2016, legislation that puts the power over preferences back where it belongs in a democracy—that is, in the hands of the voters. It takes it out of the hands of the backroom wheelers and dealers now so beloved of the Labor Party and returns it to where it should be in our great democracy of Australia: in the hands of the voters. It is actually impossible to argue against this reform in a democracy whilst still maintaining any integrity whatsoever. That has been proven by the Labor Party over the last few weeks, by Labor senators who have lost any integrity they may have had, during their desperate attempts to smear the Greens on this legislation and to argue against a democratic reform that they themselves supported not a year and a half ago.

We have heard a fair bit of rubbish from the Labor Party over the last few weeks, and I am not going to dignify all of that rubbish with a response. But, in essence, their argument, and that of many unions in Australia, is that, if this reform goes ahead now, the Turnbull Liberals will gain control of the Senate. That is the essence of their argument. I am going to place it firmly on the record now: if that happens—and heaven forbid it will—it will be for one reason and one reason only: because the Labor Party and the union movement, or large parts of it, in this country took their eye off the ball and, in attacking the Greens, who have stood up time after time after time for working people in this country, who have joined with Labor to vote down, time after time, draconian antiworker and anti-union legislation in this place, you took your eye off the real problem, which is Malcolm Turnbull's Liberals and their coalition
partners in the Nationals. If they should win control of this Senate after the next election—and heaven forbid they do—it will be your responsibility and yours alone, for taking your eye off the ball.

As I said, we have heard some rubbish from the Labor Party in this debate. I think we need to place some things very clearly on the record. Firstly, Labor signed up to this in writing in 2010, when the House of Representatives was returned with no party having an absolute majority. In their agreement with the Australian Greens, Labor signed up in writing to reforming the Senate voting system. What happened? They squibbed it. They broke their word, as Labor so often do. If Labor had kept their word, which they signed up to on paper, in writing, we would not even be having this debate today, because Senate voting reform would have got through in the previous term of government, and the democracy would have been enhanced in Australia, by the power over preferences being returned to the hands of the voters. But that did not happen, because Labor broke their word, as they do.

There is something else that needs to be said here and placed very firmly on the record. It is about the voting records of the parties in this place. In this term, the Labor Party has voted with the coalition on nearly 40 per cent of the votes. The Greens have voted with the coalition about six per cent of the time. That is, Labor votes with the coalition by a factor of six times more often than do the Greens. So, if you want to talk about the natural alliances in this place, have a look at the voting records and have a look at your policy positions. Any reasonable person would not take long at all to form the view that the natural coalition in this place are the three old-style parties: Labor, Liberal, National. That is what the voting record shows. That is what policy positions and platforms show. We are very proud, in the Greens, that our policy platform is so different from that of either the Liberals or the Labor Party.

Then we have seen—and I will tell you what; this one does grind my gears—Labor this week come into this place and use marriage equality as a political football.

Senator Whish-Wilson: Shame!

Senator McKIM: Shame on them, as my colleague and friend Senator Whish-Wilson says. Honestly, fair dinkum, Labor were asleep at the wheel on this issue for so long, and in fact were a roadblock to marriage equality for many years in this country. If people who may be reading the Hansard or listening do not believe me, I am going to tell them a personal story about marriage equality. Back in 2005 I was the first member of any Australian parliament to table marriage equality legislation. It was a cognate package of three bills in the Tasmanian House of Assembly. After discussion with stakeholders, we realised we did not have the numbers to get this bill through the Tasmanian parliament, so we thought, as a fallback, we would seek to refer it off to a parliamentary inquiry. How many non-Green votes do you think I could get in 2005 to refer marriage equality off to a parliamentary inquiry? Answer: zero, nada, the big bagel.

Not one Labor member would even vote to send marriage equality to a parliamentary inquiry in Tasmania only over a decade ago. And then they come into this place today and pretend that they and only they have credibility on marriage equality and are the long-term custodians of the marriage equality campaign. You shameless hypocrites. You are no such thing. You have been a roadblock to this reform for year after year. Do you know what? As we stand here today you still do not all support marriage equality. Unlike the Greens, every
MP and every single vote in every single parliament of Australia; that is our track record. We will not be lectured by you mob on marriage equality. I can tell you that.

On the proposal before the House in terms of the exact model, again we have heard Labor effectively lying and distorting history about what has happened here. Let us be very clear. There was a lengthy Joint Standing Committee on Electoral Matters process that ran for about a year and a half. It held public hearings right across our wide and beautiful country. You know what happened out of that process? What happened was a report that was endorsed by all members, including Labor members. And do you know what? This legislation we are debating in this place today is to all intents and purposes, exactly reflective of that joint standing committee report. It differs only in extremely minor and inconsequential ways, particularly around above-the-line voting, where the Joint Standing Committee on Electoral Matters recommended that a vote of 1 above the line could be considered a formal vote, and the legislation before us says that 1 to 6 would be the instruction on the ballot paper. Of course that charge, which was negotiated by the Greens is beneficial for minor parties in this place.

We have heard again implications and explicit statements from Labor that this is somehow about doing over minor parties. I have news for the Labor Party, and specifically Senator McAllister who was running this line in the speech that she has just concluded. I have an excerpt from the Hansard in the Senate back here in 2004, when the Greens attempted to legislate for Senate voting reform. How many senators did we have in the Senate at that time? The answer is two. Senator Brown from Tasmania and Senator Nettle, who was visiting Parliament House today from New South Wales—two senators. By any reasonable definition, we were a minor party. Did that stop us doing the right thing or seeking to do the right thing in 2004? No, it did not. Here are a couple of quotes from Senator Bob Brown's speech on Thursday, 9 December. Senator Brown said this:

While above-the-line voting gave voters an easier alternative, it also had a cost. It took the decision on preferences from the voter and gave it to the party which the voter selected.

Absolutely spot-on. It is not acceptable in a democracy. In fact, group voting tickets are a corruption of our democracy, and Senator Brown was spot-on when he pointed out that current voting for the Senate in this country takes the decision on preferences out of the hands of the voter and gives it to the party which the voter selected. The other quote from Senator Brown is this:

This amendment to the Electoral Act enhances democracy. It provides a simple and attractive option for voters to keep control of the destiny of their vote and so the make-up of the Senate.

Well, hear, hear, Senator Brown. I spoke to Bob only recently. He is overjoyed that this reform finally looks like it is going to get up, 12 long years after he first legislated to reform the Senate voting.

The fundamentals of this reform are unarguable in a democracy. You cannot argue against them without blowing your credibility out of the water, and that is exactly what the Labor Party has done. In their desperate attempt to smear the Greens, they have taken their eye off the real problem in this country, which is the Liberal-National coalition, who do not give two hoots about the environment; who have a pathetically weak global warming policy; who want to do over the rights long fought for by working Australians through outstanding and decades long campaigns by their representatives in the union movement; who want to slash by tens of
billions of dollars, funding for health and education in this country; who squibbed the tax debate; who run the absolute falsehood that we do not have a revenue problem in this country but that we have an expenditure problem; and much more. It would be a horror show for Australia if they took control of the Senate. Heaven forbid it happens; but, if it does, it will be because the Labor Party and the unions took their eye off the ball and they attacked the wrong people. We have the ACTU spending members' money campaigning against the Greens, who have stood up time after time for workers' rights in this place, cheered on by their cheerleaders in the Labor Party—a Labor Party who until recently supported the very reform they are now dying in a ditch to abandon. I have seen some shocking hypocrisy in my time in politics, but this one just about takes the cake.

So we will stay true in the Greens. We will stay true to our values, we will stay true to the democratic principles in this country, and we will stay true to this long-held position that we have had for well over a decade now and that was first reflected by legislation in this place when that legislation was tabled by Senator Bob Brown in 2004, well over a decade ago now. Labor have shown they cannot be trusted on Senate voting reform. They signed up to it in 2010 and then broke their word.

Yes, the Liberals—the government—are being opportunistic here. We get that. But hey—the planets have aligned, and this could be a once-in-a-generation opportunity to enhance democracy in Australia and to ensure that in the Senate, as far as is possible, the will of the voters is what determines the make-up of this place. If we turn our back on this once-in-a-generation opportunity, we could see election after election after election gamed by the so-called preference whisperers. Seriously, if you want diversity in the Senate—and, by the way, I am all for diversity in the Senate, but not at the expense of our democracy. But, if people want to put diversity in the Senate above democratic principles, let's just have the last seat in every state a lottery. Any citizen can throw their hat in the ring, and we will just pull it out of the ring on election night, and that person can get elected to the Senate. I do not think anyone would want to see that, because it runs counter to the fundamental principles of a democracy, but that is effectively what is going on. Our Senate is being fixed by those who have developed a business model that relies on gaming a corrupt voting system.

That is the truth of what happens, and that is what we are going to fix here, despite the fact that the Labor Party have once again squibbed on the difficult issues. And why would we be surprised? They have made an absolute art form out of it for well over a decade now, and they wonder why they are facing an existential threat. Well, I can tell them why they are facing an existential threat: because they are becoming less relevant to more and more Australian voters as the years go by. I tell you what: Chifley's light on the hill, if it has not gone out, is on its last little flicker. You are in zombie lock step with the government on every single erosion of civil and human rights that the Labor Party once stood up to defend back in the good old days.

**Senator Polley interjecting**—

**Senator Carol Brown interjecting**—

**The ACTING DEPUTY PRESIDENT (Senator Lines):** Order, thank you. Thanks, Senator McKim. Please continue.

**Senator McKIM:** Thank you, Madam Acting Deputy President. I was just reminding the chamber that in the good old days the Labor Party was a staunch defender of human and civil
rights in this place, and every time this government has come in and moved to erode fundamental human and civil rights that tens of thousands of Australians fought and died for over the course of the last century—including some members of my family, I might add—you fall in a screaming heap, because that is just what you do, because you would prefer to play the politics rather than do the right thing. That is what you are exposed once again as doing: you are playing the politics rather than doing the right thing. If you wanted to do the right thing, you would not all of a sudden have woken up from your marriage equality slumber this week; you would treat that issue—

Senator CAROL BROWN: That is just offensive. That's offensive.

Senator McKIM: I do not care whether you find it offensive, Senator Brown. It is true. Where were you on it last week? You were nowhere.

Senator Polley: Madam Acting Deputy President, I raise a point of order. It is under the standing orders that all comments should go through the chair, and I ask you to remind the good senator.

The ACTING DEPUTY PRESIDENT: Thank you, Senator Polley. I was just about to do that. Senator McKim, please address your comments through the chair.

Senator Whish-Wilson: I would also like to make a point of order. Senator Brown has been constantly interjecting for the last 10 minutes, and you have not ruled those interjections out of order.

The ACTING DEPUTY PRESIDENT: That is a debating point, Senator Whish-Wilson. Thank you.

Senator Whish-Wilson: It is a point of order.

The ACTING DEPUTY PRESIDENT: I would like you, Senator McKim, now to continue your remarks.

Senator McKIM: Thank you, Madam Acting Deputy President. Of course through you, I can say from my long experience in politics that, when the volume goes up from the Labor Party, you know you are hitting a nerve. You know you are hitting a sore point. This is a good reform. It restores the power over preferences back to the hands of voters, where it should be in a democracy, and I will proudly vote for this reform at every chance I get.
here and lecture us about what will happen if the government is returned after the next election and they have outright control.

Well, sorry, it is not us that has done the dirty deed and done this deal with the government, it is the Greens. They can no longer come into this place or anywhere else and try to justify their position and, as they normally do, take the high moral ground on any issue, because they have now become the partners to a government that, if re-elected at the next election—which I sincerely hope they are not—will have outright control of both chambers. Having been a senator in this place when the Howard government had control of the Senate, I saw the result of that. Those down in the corner, who like to take the high moral ground, will be the ones that will be responsible for further cuts in education and the $100,000 degrees to attend university. It will be those down there.

But what we have seen demonstrated over the last few weeks, since this deal was hatched behind closed doors, is a leader of the Greens who, obviously, is desperate for some sort of recognition and to be relevant. As I said before, you would not have seen this type of dirty deal being done by Christine Milne when she led the Greens. You would not have seen Bob Brown act in the manner in which Senator Di Natale has done. From the conversations I have had out in the community over the last few weeks, the community now are so disappointed. They really do see the Greens for what they are, and that is a party of opportunists. There is no doubt about that at all. But to have to sit here and be lectured to by Senator McKim, to hear his bleating here tonight of what he accuses us of being is so hypocritical.

What we have here is an abuse of the process. We have legislation, as I said, that is being rammed through and which is a direct result of dirty backroom deals between the Liberal Party and the Greens, with absolutely no scrutiny whatsoever. You cannot say that a four-hour committee hearing here in Canberra is giving this legislation proper scrutiny. We know that the government themselves had to bring in amendments to their own legislation because it was rushed through. They had to rush it through the lower house and they are trying to ram it through here in the Senate, because they have this dirty deal with the Greens. I do not know whether there is a time line for when that is going to expire; maybe that is why they are gagging debate, as they have done throughout the course of today, since we have been sitting.

The legislation that is a fix to disadvantage those people who do not vote for the majority parties is so hypocritical in the process. When you come into this place, as the Greens have done, preaching to us about openness, transparency and protecting Australian democracy—they have sold out. They have sold out big time. It is an absolute disgrace. It is a very poor reflection on the Australian parliament when legislation that has been in place for the last three decades is going to be rushed through and changed without proper scrutiny. The public have every right to be disappointed in the government and the Greens for the way they have acted in this case. There was none of the type of scrutiny that is normally undertaken with any piece of legislation. This whole process has been a farce, from the beginning to the end, as I have said.

I have spoken in relation to this numerous times over the last few weeks. It really does reek of hypocrisy. If you listen to what other senators from the Greens have contributed thus far, they talk about the times when the Labor Party sided with the government. There is no greater sin than the one that they have just committed by doing this dirty deal to change the democratic processes of the election of senators in this country. This deal that they have done
will ensure that the Senate is purged of small parties and Independents. Whether they like it or
not, the Independents have every right to be in this chamber and to sit here, just as I and
anyone else have, because they were duly elected. They may not like the fact that they are
here, but they were elected under the same system that we all were. To prevent any new
parties from ever getting elected in the Senate—that to me just reinforces the feeling that in
recent times the Greens are, obviously, no longer as relevant because of the Independents. A
little bit of the limelight has been taken away from them. That is what it is all about. It is
about their own egos. It is about their own seats and making sure their bums are back on these
red seats, all except for Senator Hanson-Young. It seems to be that she is overlooked. That is,
obviously, just the internal dirty dealings of their own Greens politics.

But if Mr Turnbull were to control both houses of parliament, it would provide a rubber
stamp for industrial relation reforms, more cuts to health, $100,000 degrees and the ability to
privatise Medicare. These are big issues. We have seen it. I lived through it when Howard had
control of the Senate. It is certainly not a nice place to be. The Senate is supposed to be the
house of review, made up of senators who will take that job seriously. It is not a place that is
supposed to be about only trying to make yourself relevant, about feeding your own ego,
because that is not what we were elected here to do. We were elected to this place to actually
review legislation that is in the interests of all Australians.

The Australian Labor Party recognises legitimate concerns about laws governing the
election of senators and the outcomes of a half-Senate election in 2013. The current system is
not perfect—we have said that—and we have been more than prepared to carefully consider
any changes that were brought before us. But when you are dealing with something as
important as Senate reform, you need to make sure that you get it right. The legislation has
shown more than once that it fails to do that. The bill currently before the Senate tonight is
not an appropriate response to these concerns. Labor believes that the appropriate response is
for parliament to deal with it through a considered, principled and transparent process, and for
all the parties and unaligned senators to develop a solution. The outcome must prioritise the
democratic rights of Australian people above all other interests—above all other interests!.
First and foremost should be the Australian people.

Purging new parties and Independents from the parliament, excluding people who vote for
small parties or Independents, is not in the interests of Australians. An increasing number of
experts have now rejected the Liberal-Greens voting deal, called for different approaches or at
least warned that, without adequate scrutiny, it risks creating adverse consequences. We need
to get the balance right on Senate voting reform but it will not happen by ramming this
backroom deal through the parliament. Laws that determine how representatives are elected to
the national parliament should not be cooked up behind closed doors and rammed through this
parliament, as I have said. This is a dirty backroom deal which will allow Mr Turnbull and his
Liberals to get their unfair policies through the Senate—policies like an $80 billion cut to
schools and hospitals, cuts to Medicare and, as I said, $100,000 degrees. If the Liberals regain
government after the next election and have control of this place then do not come back in
here whingeing about the legislation that they will ram through because the Greens will be
responsible for that because they have done the deal.

The Greens could actually have done the right thing in terms of electoral reforms. They had
a government that was so desperate to get these reforms through that they could have
negotiated some decent outcomes, but they failed to do that. They failed that basic test of principle and getting good reform. They missed their opportunity. The Greens have done a good deal for themselves. They see this as being advantageous to making sure that they get back on these red seats. The opportunity they have neglected and failed to grapple with will come back and haunt them in the future. I really believe it will.

The Greens come into this place and go on about transparency and democratic processes and principles, but then what did they do? They rolled over. The only thing they did not do—and I would not be surprised if they did this—was roll over and have their tummies scratched by the government. The Greens have hopped into bed with the coalition again to enter into an alliance in order to secure passage of this legislation, which is being rushed through. The dud deal done between the Greens and the coalition stinks of hypocrisy. That is how the Greens are being seen.

Earlier today the Greens sided with the government and closed down debate. They did not allow any debate at all about the running of the Senate in terms of the sitting times and the legislation that is going to be debated. That was a first in this place. They had the opportunity to support marriage equality and have that debated. I do not support marriage equality, but I do support the right of the leader of the Labor Party in the Senate to have her contribution in this Senate heard. It was a disgrace. The Greens lecture us continuously about how they are the first and only people truly supporting marriage equality. Well, what hypocrites. What hypocrites they were today when they did not allow Senator Penny Wong to make her contribution. Shame on them. I can assure you of one thing: former senator Bob Brown had a much cooler head. He was not emotional. He allowed people to make a contribution. He would never have gagged that debate at that time and refused to allow Senator Wong to make her contribution—and neither would have former senator Christine Milne.

We have seen a new alliance with the Greens and the Liberals here today. As I have said, the Greens are good at doing grubby deals with the government. They keep doing them. Since Senator Richard Di Natale took over the leadership of the Australian Greens the Greens have hopped into bed with the government on a number of occasions. When I saw that Senator Nick McKim came from Tasmania I thought: 'Yes, here we go. We have a future leader of the Greens here.' If there were a Tasmanian Green leading in this place, I truly believe that we would not have seen the display we have seen from Senator Di Natale.

I may not have agreed with Bob Brown or Christine Milne on a lot of issues but at least they respected other people's right to make a contribution. If we agree on nothing else in this place, we should at least agree to respect people's right to make a contribution, irrespective of what legislation comes before us. They sold out today. This is a really bad black mark against the Greens. They denied Senator Wong to make a contribution today. I think if you look on social media you will find that that is borne out.

Since Senator Di Natale has taken over the helm we have seen the Greens support cutting age pensions by $2.4 billion. They got into bed with the government on that issue. They supported the government to ensure that big companies' secrets are kept safe by not having to disclose how much tax they pay. They deterred job-creating investment. They supported and ignored the expert advice on medical research funding. They also joined with the government to defeat a motion for the government to buy 12 locally built submarines. Now we have Senator Di Natale's filthy deal with the Abbott-Turnbull government to alter the laws
governing the election of senators, which will increase the chances of the coalition gaining majority in the Senate. Under his leadership the Greens have grown even closer to the Liberals on the other side of the chamber. Senator Di Natale is an opportunist and he is sacrificing his party's integrity on the altar of his own vanity.

The Liberal-Greens Senate voting deal is an act of naked self-interest and it is not in the nation's interest. It is designed to purge the Senate of all small parties and Independents. At the last election 25 per cent of voters—that is, 3.3 million Australians—did not vote for Senate candidates representing the coalition, the Greens or Labor. The Senate is actually supposed to represent more than just the three major parties. That was the whole concept of having a states house.

Now the Turnbull-Greens dirty deal will give Mr Turnbull the trigger he has desperately wanted to call a double-dissolution election so that then he has the real opportunity of rubber-stamping all this terrible legislation that we on this side have been fighting to stop. There are his nasty cuts to health. Remember the last election, when they said there would be no cuts to health; there would be no changes to the pension; there would be no cuts to education? Well, what have we seen? We have seen the introduction of $100,000 degrees in this place, and we fought very hard not to have them. We fought very hard and were successful at least in getting the increase to the GST put in the bottom drawer until after the next election. But those people who have joined with the Liberals in this legislation have now opened that can of worms so that, if the government is returned at the next election, if it has control of both chambers, we will see not only further cuts to health and education but an increase to the GST, and it will be placed on everything. We know that the government's agenda is to privatise Medicare.

That is what this deal is about. It is not just about the voting process; it is about the democracy of this country. It is about ensuring that there are some safeguards in this place. If you are in government, whatever the persuasion of the government of the day may be, it is about being able to negotiate with the crossbench. It is about negotiating and putting forward your policy and having the argument on the floor of this chamber. That is what the Senate is about. It is not about cementing the dirty, grubby deals that have been done now behind closed doors with the Greens and this government.

It will not be in the interests of the nation for this legislation to go forward. Whether it is a Labor government or a Liberal government, I do not believe that it is healthy for the government of the day to have control of both chambers. We saw the evidence that was put before us under the Howard Liberal government of what it meant when they had control in this place. If you think it is hard being on the crossbench, if you think it is hard being in opposition, the only thing worse than those is being in opposition when the government of the day has the numbers in this place and you see it just ram through its legislation.

We purport and the Greens purport to be here to look after the nation's interest—as I believe that they do some of the time. If so, you would not be supporting this legislation. This is bad legislation. This is legislation that has been put forward by a desperate government and by the Greens, who failed to negotiate any real electoral reforms when they had the opportunity. The holier-than-thou act that they come into this place with on a daily basis has been seen through. They are transparent. They are opportunists, and so is their leader. (Time expired)
Senator SIMMS (South Australia) (21:10): I welcome the opportunity to speak on this matter, the Commonwealth Electoral Amendment Bill 2016, which is of critical importance to our democracy. In talking on this matter, I want to return to the Greens party's four pillars. We are a political party that is founded on four pillars: peace and nonviolence, ecological sustainability, social justice and grassroots participatory democracy. It is these four pillars around which all of our policies are framed. Of course, it is the pillar of democracy that this important reform touches on. It is one of our core principles as a political party, and it is something that we have been talking about for a very long time. I am very proud of the fact that we are on the cusp of seeing a policy that our party has championed for a decade become law. I want to acknowledge the work of my colleagues to bring that about and in particular Senator Lee Rhiannon, who has been a strong advocate on this reform for many years. This is an exciting opportunity to deliver this change.

People often talk about our democracy as being something that is less than perfect, and I think anybody watching the antics here in the Senate chamber over the last 24 hours would be in no doubt about that. It is less than perfect, but sometimes opportunities do come along to reform it, to improve our democracy, to make it better. This is one of those opportunities, and we have to seize it with both hands. I genuinely believe that this is a once-in-a-lifetime opportunity to improve our Senate voting system, and I am very excited that the Greens are making the most of that opportunity and are about to make our policy law. That is an exciting development.

Before entering this place, I used to work in a university and was doing some casual teaching work in the politics department. During the course of that work, I had the great opportunity to talk to lots of young people about politics. I have to say that, contrary to what is often said about young people in this country, they are engaged politically and interested in political issues. But it was very clear to me that there is a lack of understanding about our voting system and how it works, and there is a lot of confusion about the way that Senate preferences in particular work.

The reality is that most voters do not know where their preferences are going. If they vote for a political party above the line, they have no idea where those preferences are going once they have flowed through that particular political party. That is not good for our democracy. It produces unfair outcomes. It produces crazy, perverse outcomes like the preferences of the Sex Party going to, say, the One Nation political party over the Greens, something that I think most of their voters would find anathema, or things like the votes of Labor Party voters going to Family First ahead of the Greens, as happened in the state of Victoria when the Labor Party parachuted Steve Fielding into this place. That is something that a lot of people would not understand when they cast their vote for the Labor Party or they cast their vote for the Sex Party. They do not necessarily know where their preferences are going.

Under these reforms, for the first time, Australian voters will have the opportunity to determine where their vote goes by voting above or below the line. They can vote 1 to 6 above the line and direct the preferences to their party of choice in the order of their preference, or they can vote for individual senators below the line from 1 to 12, in effect making their own how-to-vote card. I think that is a really good outcome for our democracy and I am excited about that.
I have been pretty appalled by the opposition that we have seen to this reform. It has been craven and blatantly self-interested. We have seen these ridiculous charges that the Greens are somehow in coalition with the Liberal Party. That really is absolutely laughable when one considers the record of the Labor Party here in this place when it comes to voting with the Liberals. Let us consider some of the things we have seen happen in this parliament. We have seen within my own portfolio of higher education the Labor and Liberal parties voting together to dud students by scrapping the start-up scholarships, in effect, and adding them to a student’s HECS loan, thereby saddling students with more and more debt. It was the Labor Party that voted for that in the dead of night on the last night of sitting in this place. It was the Greens who came out and stood up against it. We were the only ones to do so—Labor shepherded it through.

We have also seen of course the terrible deal between Labor and the Liberals to rush through citizenship laws, draconian laws that damage the rights of Australian citizens. And we have seen the appalling policy position over many years, where Labor has conspired with the Liberals to lock innocent children behind razor wire on island prisons. Innocent people come to this country seeking our help and support, and asylum seekers come to our country seeking help and support but instead of getting the hand of compassion and assistance, what they get is a cruel policy that is a consensus between the Labor and Liberal parties.

Opposition senators interjecting—

Senator SIMMS: They can keep interjecting all they like but they know that is the reality of where they sit on this issue. If the Labor Party want to have a debate about the Greens record versus the Labor Party when it comes to progressive politics and fighting for progressive values, bring it on. I think we have the credentials in that debate and I think we will win that debate.

I also have seen some rather bizarre statements made in social media over the last few days. I will share one of the posts on Facebook with you. It was by the Australian Labor Party and it said, ‘We will never help the Liberals into power. We will never do anything to help the Liberals into power.’ I had a bit of a laugh when I saw that because the first thing that came to mind was, ‘We will never help the Liberals into power.’ I thought, ’How did we find ourselves here?’ How did we find ourselves with an Abbott government? How did we find ourselves in a situation where a man who was incredibly unpopular, the most unpopular opposition leader in the nation’s history, found himself in the Lodge? The answer is pretty simple. The Australian Labor Party practically packed his bags and drove him there themselves. They packed is bags, they drove him there and they moved him into the Lodge because their complete ineptitude, infighting and division we saw while Labor was in power over those six years was the biggest free kick the conservative side of politics has ever had in this country. It was the Labor Party that gave Tony Abbott the free ride he needed to get into the Lodge and it was the Labor Party that brought that inept and incompetent man into the prime ministership. It was the Labor Party that brought about that outcome. Had they had their act together in government, you cannot tell me that we would have seen the coalition elected in 2013. Any credible commentator in this country will tell you that. So if you want to talk about helping the Liberals into power, it was the Labor Party that were rally—

Senator Carol Brown: That is the most ridiculous argument I have ever heard.
**Senator SIMMS:** I am being heckled and told these arguments are ridiculous. That actually has some semblance of fact. Certainly the same cannot be said for some of the absurd and ludicrous arguments that have been put here in this chamber over the last few weeks. The point I am making is that the Labor Party have been enabling the Liberals for a long time and no amount of slinging mud at the Australian Greens will change that reality.

Let us return to talking about the benefits of this reform, and I think there are some significant benefits here. I can see that the Labor Party do not like it because it smashes the business model of the faceless men that they rely on to hold their seats here in this place. The factional warlords of the Labor Party might be the losers of this reform but the Australian people will certainly be the winners. The Australian people will win from this reform because, for the first time, they will get to determine where their preferences go above the line and below the line. That is a really important proposition and I am very excited about that being made a reality.

This is something that has been talked about for some time. It has been debated since Bob Brown first put a bill to this place 10 years ago. But it has also been debated significantly during this term of parliament. We have finally reached the point where we can get this over the line. What we have seen, unfortunately, is the Labor Party, who up until recently supported this reform, bucking their previous position and choosing short-term political opportunism over doing the right thing.

We have also seen in the attacks of the Labor Party on this reform quite a contradictory scare campaign. We heard earlier this suggestion that this is about putting Greens bums on seats. I have also heard references in South Australian media that as a result of this reform, perhaps I will lose my seat in the Senate or perhaps Senator Hanson-Young will lose her seat. Apparently it is about bums on seats but it is also going to cost us seats. I want to make it very clear this has never been about self-interest for the Greens. That is not what this is about. I can hear again people in the Labor Party laughing and heckling because of course self-interest is their political modus operandi. But that is not the way that we work in the Greens. We have been championing this issue for some time, it is one of our key principles as a party and we are finally in the position to make our policy law. We need to seize that opportunity with both hands and I am excited that we are going to be doing that. It is not about self-interest; it is about doing the right thing by the Australian people, it is about doing the right thing by our democracy, and I think that is a great outcome. And so I look forward to this reform becoming law. I think it will be an exciting milestone in democratic reform in this country; let's make it happen.

**Senator LUDWIG** (Queensland) (21:22): Hold onto your hat, we are in for a ride with the Greens thinking it will be a wonderful day when this bill passes.

Clearly, Senator Di Natale must be feeling a bit under pressure if he felt the need to make the ridiculous statement earlier about the Gillard government's agreement with the Greens back in 2010. Yes, that agreement referred to reforming and tightening political donations law—which this legislation does not do. And thanks to Senator Di Natale for reminding me that he sold out on this particular point as well.

It is hard to keep up with the Green's rate of selling out at the moment. I saw it the week before and today. But let me make this clear: the purpose of this bill is purging new parties and Independents from parliament, which is what the Liberal-Green alliance deal will do. The
Liberal-Green deal disenfranchise peoples who vote for smaller parties or Independents, discourages them from standing for the Senate or from organising new parties and reduces political participation in our political system. None of this is good for our democracy; all of it appears to be excellent for the Green-Liberal alliance.

We do need to get the balance right on voting reform in the Senate, but that will not happen by ramming this backroom deal through the parliament. The Senate, apart from being a house of review, also acts as a check on the executive of the day and not as a rubber stamp, as the Greens would have us believe. However, the Greens are so determined to purge small parties and Independents that they are willing to risk turning the Senate into a rubber stamp for the Liberal government.

We have seen that before, between 2004 and 2007, where the Liberal government created a sausage machine from the Senate. We saw how that did not work out well for the coalition. I expect—and I do not want to be wishing bad luck for the Greens—in the end it is not going to work out well for the Liberal-Green alliance. We saw how last time where there was control of the Senate they introduced Work Choices and the ABCC. I think there will be no brake on the Green's desire to continue a coalition-Green alliance in many new areas. It will be negative for Australia, negative for working people and negative for people on fixed incomes and pensioners, because, ultimately, the Greens do not have those people as their constituents. Ultimately, the Greens have a new constituency.

But we have already heard in respect of this legislation before us more than eight amendments which will need to be moved by the government itself, because the bill is so flawed due to the government rushing it through the committee and this place. I consider this the most significant reform of the Senate voting process in more than 30 years, so I am a little outraged to think that the government and the Green alliance wants to ram this bill through the Senate in such a short amount of time with such little scrutiny. It is not the refrain that I have heard from the Greens of old when legislation lacked sufficient scrutiny.

We are opposed to this bill because it purges the Senate of small parties and Independents, prevents new parties from even getting elected, exhausts the vote of 3.3 million Australians and risks turning the Senate into a rubber stamp for a Green-coalition government. We want to ensure that the composition of the Senate reflects the preferences of Australian voters, that all votes count and that small parties and Independents are not simply shut out of the system by Mr Malcolm Turnbull and the Greens through their unholy alliance.

The Turnbull-Greens deal will exhaust preferences in the Senate. Millions of Australians, rather than their preferences being counted, will get their preferences eliminated and all small parties and Independents will cease to exist with the introduction of this bill. Under an optional preferential system the majority of three million votes that went to non-Labor, coalition or Greens will have been exhausted. That means nearly a quarter of the formal votes which were cast would not be counted towards the final result. If the Greens think this is such a good deal then they ought to explain to their own constituency that many of them, who in the past have voted for minors and Independents, will find their vote not counted.

We only have to look at how Australians have voted over the last 30 years, voting No. 1 above the line. I would assume that many people will continue to do just that, despite the ballot paper instructions and media campaigns. It took many, many years when we first introduced above-the-line voting for the voting intentions to change. The only parties that
could reasonably be expected to transfer preferences at sufficient numbers to elect another candidate are the large parties. In any event, for the ALP, the coalition parties and the Greens to direct preferences consistently under the new system it is only possible through a how-to-vote card, and only the larger parties generally have the infrastructure to be able to support how-to-vote cards and to distribute these to supporters across the state at many ballot boxes. Without them, you have no guarantee of how this system will ultimately work.

The arguments have also been made that the low primary vote of some people on the crossbench is the reason that these amendments to the Electoral Act are required. But coalition senators should be reminded that this also includes candidates for the major parties as well; it is not a valid argument. Senator Birmingham was elected for the state of South Australia by getting a mere 0.1 per cent of the primary vote. He got elected as a Liberal senator on Liberal preference flows, so the argument does not stand up. But apart from the many arguments about this bill, one of the most obvious is the lack of proper process that has been followed and the lack of consultation with the community.

It is a new Greens party that we see here. The old Greens party, the party of Bob Brown and even Christine Milne—although I will not reflect badly on her—would have insisted on proper process. This bill has gone through all the stages in the House of Representatives, through the committee process and now through the Senate, and it has travelled through all those stages in a very short period of time. It is not good governance, and the Senate is not being allowed to do its job properly. That means having time to investigate the details of the bill, to conduct research and to consult with the public. Consulting with the public is an important principle that the Greens often espouse. In this instance, there will be a lack of consultation on this bill by the Greens and any other senator. It also means having time to introduce amendments from a Senate committee report if necessary and if there are inconsistencies or shortcomings in the bill. None of that will happen under the Greens-Liberal coalition.

This bill has been hastily cobbled together. The eight amendments already reflect that. I am making a guess at this, but I predict that, should this bill pass, when it goes to the AEC to be implemented, they will also find mistakes and flaws and that amendments are necessary, and the bill will have to come back to this chamber and be repaired. I suspect that this will not be the last time that we see this bill. Because of the way the Greens-coalition alliance has dealt with it, we will find that there will be a request for an urgent amendment to deal with something as early as May, I suspect, if we are still here.

As noted by other senators, government members on JSCEM have not even allowed the department to appear before the committee to give evidence or be questioned. So what we also have is the Greens-coalition alliance agreeing to the committee process being hamstrung by not allowing the department to appear. This is something that former Senator Bob Brown would never have countenanced. He would always insist that a department be able to appear before a Senate committee or JSCEM. Quite frankly, it shows the contempt the Turnbull-Greens alliance has for the democratic process and role of the Senate.

These amendments to the Electoral Bill will see that the one in four Australians who voted for someone other than the coalition, Labor or the Greens will have their vote exhausted. The bill does not reflect the JSCEM report. We have heard the refrain from the Greens that it does and therefore for some magical reason we should now support. But the bill cherry picks the
JSCEM report. It does not reflect all of the report. But, even if we were so bold as to say that it did, it would still require a proper Senate process to ensure that it would work the way it was intended and that amendments were dealt with if necessary because of flaws in drafting or because of unforeseen circumstances—but not by the Greens-coalition alliance.

The bill does not address numerous parts of the previous report, especially the donation reforms which were supported by Liberals. Those reforms which would have seen donation reporting thresholds lowered have been excluded from this bill by the Liberal-Greens alliance. As we saw from the half-day of hearings that the Joint Standing Committee on Electoral Matters held, there were a number of concerns raised about the inadequacies of this bill. Professor George Williams, a constitutional expert from the University of New South Wales, said as part of his evidence to the committee that the new provisions create ‘a de facto vote one system’ and that it will lead to ‘confusion where there is a difference between how to vote cards and advocacy, and the instructions on the ballot paper’.

A number of submissions have been made to the Joint Standing Committee on Electoral Matters, and the committee has reported after having only a half a day of hearings to consider all of those submissions and the import of those submissions. This is not the proper process for a bill of this magnitude, and the Greens in particular should not be supporting this bill being rushed through the Senate without proper scrutiny. But I think this now falls on deaf ears for the Greens. If this legislation gets through, and the Greens agree to gag debate and to rush this through the Senate, the Greens will own the mistakes and flaws in the bill. If the bill needs remedies, the Greens will have to promote those remedies. If the bill has unintended consequences, even for the Greens, they will have to convince their coalition partner, the Liberals, to agree to any amendments—and good luck with that.

The last time the Liberals and the Greens did a deal to ram legislation through the Senate it was to water down multinational tax laws. It is a sad reality that the Greens have changed. They have morphed into a new party from what was once the old Greens. It is a fact that the last time the Greens did a deal to back Liberal policy, it resulted in more than 600 companies being excluded from having information about their tax compliance released. They are the kinds of outcomes that result when we see the Greens in bed with the Liberals.

The Australian public should know that it is the Greens who will be to blame if a future coalition government is able to pass cuts to Medicare, cuts to penalty rates, cuts to pensions, higher cost for students—by getting $100,000 degrees passed—or attacks on workers by bringing in Work Choices by stealth. If the Commonwealth Electoral Amendment Bill is passed and that results in coalition control of the Senate, that will be the fault of the Greens and the Greens will have to wear that.

Labor and many others on the crossbenches have spent the last couple of years fighting against and stopping some of the inherently unfair legislative agenda of the coalition. It has resulted in some chagrin from the coalition but ultimately it has saved Australians from the painful and harsh policies that the Abbott-Turnbull government was trying to inflict upon them. The changes to the Commonwealth Electoral Amendment Bill will see a greater likelihood for the coalition to gain control of the Senate.

The question is: why are the Greens aiding and abetting the coalition through an alliance? Why are the Greens doing anything to help the Liberals succeed in passing their antiworker and unfair legislative agenda? That will be the result. It is because the Greens have over time
stopped representing their real constituency. Under Senator Di Natale's leadership this shift to the centre away from their base has only accelerated. The Greens of Bob Brown and even Christine Milne are no more. The lot we see here today are not the Greens of old. The ones that would criticise Labor, would criticise the Liberals and practically criticise any policy they could find that they could not find favour with. But I cannot tell the difference between the Greens and the coalition any longer. The Greens have spent so much time sitting over there blocking and gagging the debate that they have morphed into a coalition party.

Of course, when you mix blue and green together you get aqua. But, quite frankly, it is a murky shade of aqua that we now have from the Greens. That is why the party of Senator Di Natale has become light blue—tainted by the Liberals and tainted by a desire for relevance. But all we have ended up with is a stain, a stain that we all will see through. It is a significant stain; a blot that will be hard to remove. With Liberals in the future who can manage to pass legislation, and manage to pass unfair legislation which hurts vulnerable Australians, I do sincerely hope that the Greens take responsibility for that time. I hope that they recognise that they have assisted the coalition in ensuring that they can get their bills through the Senate.

The changes in this bill are not the what the JSCEM report recommended. The government likes to claim that this bill does at least implement the substance of the JSCEM recommendations, but this is simply incorrect. The bill is a political fix cooked up by the Liberals and the Greens for partisan purposes—that is what it is.

Last week we also saw Senator Di Natale receive the endorsement from Michael Kroger, the Victorian Liberal president—unbelievable! He said:
You've got a doctor … who owns a farm who doesn't come from this mad environmental background. He's helped the government get legislation through the Federal Parliament. So you look at the Greens through a slightly different lens these days because they're not the nutters they used to be.

That is a stinging endorsement from a Liberal Party president. This is in relation to the latest dirty deal between the Greens and the Liberals to swap preferences in federal seats in Victoria.

Quoted in *The Sydney Morning Herald*, Mr Kroger was asked what the difference was between a preference deal and a loose arrangement. He explained that under the latter, 'You don't know what you're going to get back.' I think it is a very apt description of the Greens today. You do not know what you are going to get.

The Commonwealth Electoral Amendment Bill 2016 is so important to the Greens—the new Greens, the aqua Greens—that they have even blocked the debate on their own marriage equality bill to ensure that we can all watch this bill pass. They have become very focused only on this Senate reform bill for the sake of a broader picture.

Senator Leyonhjelm's motion to have the marriage equality bill debated and voted on before the Senate finishes up for the week was rejected by the Greens. Their proffer was: 'You can take Thursday for a private senator's bill.' And you know where that will get you; it will get talked out by your new alliance members. They will talk it out and not let it come to a vote. You know that, yet you still made this empty, hollow offer to protect the reason that you have changed your position in respect of this. You said that Senator Di Natale claimed that the Greens support marriage equality, 'Every Green. Every vote. Every time'—well, except today.
Senator RICE (Victoria) (21:42): Fairness sits at the centre of our democracy. People should be able to go the polling booths with the knowledge that their vote will go where they want it to go, that it aligns with their beliefs and, if their first choice is not successful, that their vote will not be distributed via a dodgy backroom deal. Right now the system that determines who comes to this place is broken due to a combination of group ticket voting where parties, not the voter, get to direct preferences, and preference harvesting where parties of wildly differing ideologies team up in the hope that their number comes up in a lottery. You have alliances between the Stop Coal Seam Gas Party and the No Carbon Tax Climate Skeptic's Party and between Family First and Drug Law Reform Australia Party. Where one random lucky party gets to be the winner and one random lucky party can have a random big impact on the future of our country.

The Greens' vision for our representative democracy is that people's votes are reflected in the results. I want to start tonight by addressing two critical things. The first is the myth that these changes will mean Independents and minor parties will be wiped out. The second is to note that these changes are not going to get rid of preference arrangements. Preference arrangements will continue to be made, but it is going to be up to the voters to decide whether to follow a how-to-vote card that recommends a preference flow. To the people who are musing about the diversity that comes when people are elected with only a handful of votes, and who are saying that is a healthy thing, I reckon it is true that diversity is healthy in our democracy. (Quorum formed). But this diversity should reflect the wonderful diversity that we see in our society not a lottery that has already been rigged. The truth is that Independents and minor parties will be wiped out; they just will not get elected unless people vote for them, and that is how it should be. The beauty of preferential voting is that if your first choice does not get elected, then your second or your third or even your fourth choice can. But when parties direct the preferences that does not happen. It means that the results are not reflecting the wishes of the Australian people. Instead, the results are being determined by secret deals done behind closed doors.

We all know the circumstances of Senator Muir's election, the Motoring Enthusiast Party receiving the first preferences of just half of one per cent of people. To his credit, Senator Muir has approached his time here in a considered manner. But what can you say to the people who voted for the Animal Justice, Stop CSG or Bullet Train for Australia parties when their votes ended up with a party that supports hunting and shooting, logging of our native forests and roads ahead of rail?

If people are really serious about injecting an element of citizen juries into our parliament, well, we would need a referendum to achieve that and somehow I just cannot see it getting up. The last federal election was the eruption of this broken system, but the problem has been building for some time. This lottery means that for every Senator Muir there is a senator like Family First's Stephen Fielding, who was elected with less than two per cent of the vote. I am sure the people who voted for Labor in 2004 were appalled when they found that their vote had elected Stephen Fielding.

To the people who try to argue that the Greens have benefited from group-voting tickets and are now pulling up the drawbridge behind us, I want to share the history of the Greens in Victoria over the last 24 years to illustrate the absurdity of these assertions; it is absolute codswallop. We have not been a flash in the pan. We have done no preference deals that have
betrayed our values and we have had a strong focus on party processes so that we are strong, resilient and united.

The Greens candidate who was up against Stephen Fielding in that 2004 election, David Risstrom, polled almost five times Fielding's primary vote, but he did not benefit from preference deals so, ultimately, was not successful. David Risstrom would have been an absolutely terrific senator.

Going back to the start of our party, I was one of the founders of the Greens in Victoria in 1992. Yes, I am actually one of those 'Greens of old' that Senator Ludwig was misrepresenting in his rhetoric just before. The Greens began in 1992 because Labor had failed Australians who care about the environment, social justice, peace and non-violence, and participatory democracy. I personally was passionate and motivated to be throwing myself into the Greens because I was fed up with being sold out by the Labor Party.

We stood one candidate at the 1993 election, Rebecca Wigney in the seat of La Trobe, and got 4½ per cent—not a bad result for a first outing. We had decided not to stand in the Senate that year. We supported Janet Powell's campaign as an Independent, with her having left the Democrats. In 1996, Peter Singer was our Senate candidate. We stood on a strong environment platform, including taking serious action on climate change, a platform that was missing from Labor and the coalition's platforms. We achieved 2.9 per cent of the vote—a bit of an increase but, yes, not enough to get elected. In 1998, young Indigenous woman, Charmaine Clark, was our Senate candidate. But our vote slipped back up to 2½ per cent, so she did not get to be the first female Indigenous senator. We had to wait another 15 years for Senator Peris to be elected to achieve that.

In 2001, it was the Tampa election. People were appalled that Labor had sided with the coalition and supported horrific asylum seeker policies. That picture of refugees baking on the decks of the MV Tampa is seared in my memory as well as the shock and despair when the then the Labor opposition leader, Kim Beazley, supported the hateful prejudice, the anti-refugee position of Prime Minister John Howard. Many other people felt the same way. Our vote soared to six per cent with candidate Scott Kinnear, and people voted for us as a party that would speak out for the rights and wellbeing of refugees. But, yet again, Scott missed out because we did not sell our preferences like the other parties. It has been with great sadness that we have seen the Labor Party in a race to the bottom on refugee policy ever since.

Fast forward to 2007. Richard Di Natale missed out on being elected, despite receiving 10 per cent of the vote. But, in 2010, after almost two decades of growing our support in the community, building our vote, doing the street stalls, the door knocking, the town hall meetings, Richard was finally elected, with a quota in his own right. It was a long time coming. I am proud that we have grown the party we have here and in state and territory parliaments across Australia, without resorting to gaming the system. Instead, we have had the courage to take action on our strong values—leading the way on global warming, on fair treatment for people seeking asylum, on supporting those in our community who need it most and, for at least the past 12 years, on these very reforms that will strengthen our democracy. Our vote has grown and, as our vote has grown, we have been elected.

This is just a microstudy of the Greens rise, but it is clear that, under the current system, people's votes are not being reflected in the results. The changes we are debating today will put control over preferences back in the hands of the voter. If someone wants to vote 1
Animal Justice, 2 Motoring Enthusiasts, then that is their choice. Voting 1 to 6 above the line, or beyond 6 if the voter wants, will allow this to occur. These changes will mean that if the Animal Justice Party, the no coal seam gas party, the bullet train party, the hemp party, the Sex Party and drug reform party all poll a couple of percent each and hand out how to vote cards that recommend preferences, and if voters agree with their recommendations, and enough people vote for them, then one of these parties has got a really good chance of being elected. But the decision to vote for them lies with the voter. If the preference arrangements somehow slip somebody else—such as the fundamentalist Christians—into the preference mix, then the voters will notice and they will not vote that way. They will have the choice.

If we want a system that is truly diverse, we should start talking about proportional representation in the House of Representatives. That is also Greens policy, but let's get these Senate voting changes through first before we embark on that campaign. For now, these changes will ensure that our parliament is more democratic.

Instead of identifying the problems with the system and working together to fix them, we have been left with a scare campaign from Labor and the crossbench. Although I do not agree with the crossbench position, I can kind of understand why they hold it. Many of them have benefited from this broken system and are fighting to keep their spot here. But the hypocrisy from the Australian Labor Party is appalling. We have now endured weeks of Labor senators, particularly the senators who have benefited most from the current system, busting their guts in the chamber, suggesting that we are going to benefit from the changes—in the same breath as they say that we have been done over and will lose seats because of them. They do not know whether they are Arthur or Martha.

Let me be clear: there is one reason and one reason alone that we are supporting these changes: they will make our democracy stronger. If we gain seats it will be because our vote has grown. If we lose seats it will be because our vote has fallen. The same will go for Labor, for the Liberals, for the Nationals and for Independents. This Senate reform legislation that we are debating today is an opportunity for the Greens, for us, for this parliament and for this Senate to implement our vision, and we have got the courage to follow it through.

We have been pushing for these changes since 2004. The reforms were even written into our minority government agreement with Labor. In the written agreement between our two parties after the 2010 election, Labor agreed that:

The Parties note that Senator Bob Brown will reintroduce as a Private Members Bill the Commonwealth Electoral (Above-the-Line Voting) Amendment Bill 2008. The ALP will consider the Bill and work with the Greens to reach reforms satisfactory to the Parties.

Of course, the ALP actually did nothing about this in the period of government between 2010 and 2013. But after 2013 we finally thought that we had these reforms satisfactory to the parties when Labor supported unanimously the recommendations that came from the Joint Standing Committee on Electoral Matters in the Interim report on the inquiry into the conduct of the 2013 federal election Senate voting practices in April 2014. The report recommended optional preferential above-the-line voting and partial optional preferential voting below the line with a minimum sequential number of preferences to be completed equal to the number of vacancies. After a year-long process and hearings all around the country—an incredibly long and thorough process—it reached this unanimous conclusion. It was not rushed through. It has not been done without adequate consideration.
Processes like the JSCEM inquiry are an absolute joy to my heart, and I believe that the majority of Australian people would think likewise. My way of doing politics is to seek to collaborate: to try to understand where people are coming from; to seek to understand their ideas, not to just reject them on the basis that they come from the opposing side; to acknowledge good ideas regardless of where they come from; to see through the politics and to focus on the policies, to see whether we can reach agreement.

I am not the only one who thinks like that. I know that the Australian people in general are like that. One of their biggest gripes about politicians, and the reason they do not trust us, is that they reckon we just oppose for opposition's sake.

So the change of heart from Labor last month—not based on logic or understanding or any change of information—was a profound shock. The only way they can justify their about-face is to argue that black is white, to mislead, to lie, to try to scare people who are confused about what is going on. But, of course, we all know what really is going on. We know that powerbrokers, backroom operators, in Labor realised that they were going to be losing some of their power, that they were no longer going to be able to direct the votes of millions of voters through backroom deals and that that power instead would be transferred into the hands of voters.

The other scare campaign that we have seen from Labor is that this will deliver a majority for the coalition in both houses. I know this because people have told me they are worried about it. To those people: let me assure you that it is nothing more than a pathetic scare campaign. Even the ABC's election analyst, Antony Green, has said it does not stand up to analysis. This voting reform is not going to restore the ABCC. It is not going to abolish the Clean Energy Finance Corporation. We have been the Clean Energy Finance Corporation's greatest champion and would not do anything to put it at risk.

Then we see the games played by Labor today. They have tried to divert attention from their own missed opportunities by using people's love as a political tactic, and this offends me. Yes, our party platforms support marriage equality. But it was the Labor Party that sided with John Howard in 2004 to define marriage as being between a man and a woman and it is Labor that continue not to bind their vote—you would think against Labor values—until some distant time in the future. And then the Labor Party have the guile to lie about it on social media, claiming that we voted against our own bill. Complete baloney! The Labor Party knew full well that that was not the case. But they underestimated the public. I do not often take notice of social media, but it was with some satisfaction that I saw the No. 1 comment on the ALP's Facebook post, from Tim Lilley, say:

Why do you persist in treating Australian people as morons, ALP? The Greens didn't vote against the own bill for marriage equality in the senate (only against debating it). ... I'd like to share my disappointment - in the Labor party.

Hear, hear, Tim. I completely agree.

In conclusion, this bill that we are debating tonight, this Senate voting reform, is well overdue. This reform will improve our democracy, it will make it fairer and it will put power back in the hands of the voters, and that is a very good thing.

**Senator LINES (Western Australia) (22:02):** I am very proud of our democratic system. It is open and transparent and free from corruption—so much so that we take it for granted. In many parts of the world, our democracy and our electoral processes are envied. Australia has
assisted newly emerging democracies with their electoral systems. In recent times we have supported Timor-Leste with the establishment of open, fair and transparent systems, including their electoral system. As a country, we have not shied away from calling out countries who do not have open and fair electoral systems. This has included bans in the case of South Africa, in the old apartheid days, and, more recently, Iran. We have, as a Commonwealth country, called other countries to account and called into question their election results and, in the case of Zimbabwe, agreed with other Commonwealth countries to their suspension from the Commonwealth group.

As well as calling countries to account, we have assisted to ensure that democratic processes are established. On a recent parliamentary delegation to Zimbabwe, I was impressed to see that Australia had assisted with their very efficient Hansard service. I am sure our own clerks in this place assisted with the training of Zimbabwe Hansard staff and, despite the country having a very, very long way to go in terms of real democracy and open and fair elections, they at least have an accurate and efficient Hansard system, again thanks to Australia.

I am, for the term of this parliament, part of the Australian delegation to the Inter-Parliamentary Union, the IPU. The IPU is the international organisation of parliaments. It was established in 1889. The IPU is the focal point for worldwide parliamentary dialogue and works for peace and cooperation among peoples and for the firm establishment of representative democracy. There are 167 member countries and 10 associate members. At the last meeting, in October 2015, we had a wide-ranging debate on parliamentary processes which add to transparency. Once again, some of our parliamentary processes, particularly Senate estimates and the Parliamentary Budget Office—established by Labor—were the envy of many, many IPU member countries.

Of course this does not mean that we should not review our processes, including how MPs and senators are elected, but any reform must be open and transparent and have widespread support—support from a cross-section of the Australian voting community. The Australian Labor Party recognises legitimate concerns about the laws governing the election of senators and the outcome of the half-Senate election in 2013. The unexpected outcome of the 2013 half-Senate election gave rise to concerns that the proportional representation system used in the Senate was broken and had become a problem. These concerns deserve an appropriate response. Unfortunately the bill currently before the Senate is not an appropriate response to those concerns.

If there is a problem with Senate voting laws, Labor believes that the appropriate response is for parliament to deal with it through a considered, principled and transparent process. Such a process should involve all the parties and unaligned senators to develop a solution which enjoys support across the political system. The outcome must be to prioritise, the democratic rights of the Australian people above all other interests, especially partisan self-interest. There can be nothing more important to public confidence in the parliament than the integrity of laws which dictate who is elected to the House of Representatives and the Senate.

The Commonwealth Electoral Amendment Bill 2016 absolutely fails this test. This bill was not the product of any principled and transparent parliamentary process. It is a tawdry outcome of a filthy deal between the conservatives, the LNP government and the Greens. The
government claims this bill implements the recommendations of the Joint Standing Committee on Electoral Matters in its interim report on the conduct of the 2013 federal election, but this is simply not true. This bill is not the product of the JSCEM recommendations. It is the product of a filthy deal cooked up behind closed doors by the coalition and the Greens.

It has been interesting to listen to the debate tonight, particularly from the Greens Party, because they have not gone to any details to outline what is so important about this bill. They have used glib comments. They have talked about matters that are more than 10 years old, but have not satisfactorily explained to the Australian voting public what it is that their dirty deal will deliver.

The government for its part likes to say that this legislation at least implements the substance, or 85 per cent, of the JSCEM recommendations, but that too is also not true. This bill is a rip-off of the JSCEM recommendations, cooked up to serve the partisan interests of the Liberals, the Turnbull government and the Greens. It should come as no surprise that the leader of the Greens, said this a day or two ago about student politics. He is the one that has done this dirty deal with the government. Senator Di Natale has the same view about student politics as many of the government members do, in fact, probably all of the government members. Senator Di Natale said, 'I wasn’t interested in student politics'. He went on to say, 'People in student politics seem more focused on the game of politics'. This comment, said by the leader of the Greens Party, Senator Di Natale, could have been made by any Liberal-National party coalition member opposite. But this comment was made by Senator Di Natale, and it sums up the inadequacies of the Greens leader.

It is student politicians and student unions, who have been at the forefront of the fight against the Turnbull government's $100,000 degrees. Student unions have always been in the fight, whether it was the Vietnam War, the fight against the damming of the Franklin River or climate change—the list goes on. I am proud to say that many Labor members past and present were leaders of student unions.

Did the Greens leader, Senator Di Natale, sit back and let others do the fighting for his rights and entitlements while he was a student, whilst taking those hard-won student reforms for himself? To all of those students involved in student politics, take note: this is what the Greens really think; this is their view of you and this is the new direction under the leadership of Senator Di Natale.

But let us go back to the dirty deal. In a complex electoral system such as the proportional representation system that we use to elect senators, even minor changes can have a dramatic impact with serious unintended consequences. We have already seen that with the initial poor drafting of the bill. The filthy deal cooked up between the Liberals and the Greens is not designed to serve the democratic interests of the Australian people or ensure their will is reflected in the composition of the parliament.

The purpose of this legislation is to maximise the number of senators elected by the major parties, such as the Liberal Party, and established minor parties, such as the Greens political party and the new 'Nick Xenophon Team'. It is designed to exhaust preferences early so Independents and so-called microparties are deprived of votes. Its object is to prevent new players from entering the Senate, thereby entrenching the electoral dominance of existing players. The principal beneficiary of this new voting system will be the Liberal Party.
The Liberal Party's motivation for supporting this legislation is to achieve lasting electoral dominance in the Senate, to get the mandate that they think they have as part of the ruling class, to rule over and bring in draconian laws that hurt ordinary working Australians. They want to achieve a dominance as a conservative party and, over time, hope to maintain a lasting Senate majority in their own right.

Senator Xenophon sees this as his best chance to increase his own representation in this place, in particular through the coralling of his personally popular votes in South Australia.

Of course, Labor believes that Greens senators will pay a high price for this proposal. A double-dissolution election based on this legislation will spell the end of their political careers, particularly Senator Hanson-Young's and Senator Simms's. Over time, Senator Xenophon will take both the seats from the South Australian Greens currently on hold in this chamber. They will be looking for new jobs. Australians will be staring at a Senate controlled by the coalition.

What we have seen tonight in this place is that the Greens' gloves are well and truly off. We hear from some of the Greens—and in fact we have heard from their leader—how they purport to represent workers and trade unions in particular. Yet tonight in this place, we heard Senator McKim having a real go at the ACTU. He had a go on a number of occasions and told them they had taken their eyes off the ball. I am not quite sure what he meant by that. He also included the CFMEU in that broad sweep, and he used the plural when he was talking about unions, so obviously it is much broader than the ACTU and the CFMEU. He went on further to accuse the ACTU and the CFMEU of wasting members' money. And why is that? Because for once the gloss is off the Greens and they are feeling the heat from ordinary working Australians—hardworking union members—who are well and truly mystified that a party that purports to represent and look after the interests of trade unions is doing exactly the opposite, because there is a real danger in this place that we will go to a double-D and see the ABCC legislation, which the Greens have pretended to be opposed to, get up in this place and severely treat a section of the trade union movement—a section Senator McKim tonight thought it was absolutely okay to have a go at not once but twice, the CFMEU. That legislation will treat them and their members as different. They will be treated differently. The laws in that bill are harsher than what we use for terrorism in this country, and that is what the Greens have signed up to. Senator McKim absolutely let it slip tonight that that is his real view of unions.

First of all we have the leader, Senator Di Natale, joking around and saying that student politics is nothing but a game. I presume that when Senator Di Natale was at university he used all of those student services—student services hard won by student unions. Yet he accuses them of playing games. I do not know where he was when the Labor Party was out there fighting against $100,000 degrees, when we visited campuses, as we do, right across this country, went to O-days and absolutely supported student unions through and through. I do not know where he was when those same student unions were copping absolute flak from the Abbott-Turnbull government because they were standing up to the $100,000 degrees. And this is the group that Senator Di Natale accuses of playing games. What a disgrace. Student unions have been in the forefront of the fights against the Abbott-Turnbull government, and not just on issues of concern to students while they are at universities; they have been out there on issues such as climate change. But all of that seems to have passed Senator Di Natale.
by as he accuses student unions of just playing a game of politics. They play a real role and they have been at the forefront of those fights.

Obviously Senator Di Natale does not respect that, and what we have heard tonight from Senator McKim is that he does not respect trade unions. He stood in this place and twice had a go at the umbrella group, the ACTU. How disgraceful is that? He had a go at them and accused them of wasting money. And why is that? Because the Greens are feeling the heat from trade union members and from organised labour in this country. They are feeling the heat because they have sold out. No doubt the Greens will start feeling the heat from student unions, who the Greens leader accused of just playing games—of not being real about politics. It shows again how out of touch the Greens are when they make those comments.

As I said, their gloves are well and truly off. We are now seeing the true Greens, who absolutely do not support trade unions and certainly do not seem to support student unions. You do not have the leader of your party accuse student unions of political games, with the rest of you having to fall into line behind that, unless you are a true political party. Your leader has spoken, so that is what you all now think.

Of course, we saw that Senator Di Natale went even further when he outlined the ultimate goal for moving the Greens to the right, which was to form government with conservatives. He certainly did not rule that out. I am very pleased to say that about him and his Green colleagues—not just him but the whole party, these people who can talk the talk but certainly cannot walk the walk when it comes to trade unions or student politics. Now the senator is on the record as saying he would never say never about one day forming a coalition with the Liberal Party.

So the gloss is off. Our eyes are well and truly opened. This is now what they stand for. They stand accused of maligning trade unions that they used to support under previous leaders and accusing students of playing politics. We know they have jumped into bed with the government, but now they are ready to assume some kind of formal relationship with a conservative government, because they are so desperate to find a place for themselves. Any place will do, and certainly their leader, Senator Di Natale, must be feeling the heat from Senator McKim and Senator Whish-Wilson, who are biting at the heels of the leader because they all want to be leaders, to say that he would never rule out forming a coalition with the Liberal Party. Adjunct associate professor of politics at Monash University Shaun Carney said in an opinion piece:

Richard di Natale … has to be kidding. Your politics are defined as much by what you refuse to support as by the things that you propose. Politicians are supposed to say "never". That’s why people support them. This is particularly so for the Greens, whose supporters are especially purist—and we have heard that in here tonight—on such things as open borders, the undesirability of all military action, giving security agencies more powers and coal.

Of course, once they form their much closer relationship with the LNP, those policies will have to go by the wayside. They will just disappear.

It is appropriate to say 'never' and to actually talk the talk and walk the walk; to be who you say you are. It is not appropriate to pretend—to stand in this place and have a go at trade unions and student politicians, and for your leader to make comments that one day he wants
to be in a coalition with the Liberal government. What do the Greens stand for? The dirty deal says it all. Senator Di Natale's leadership is in stark contrast to that of former Senator Bob Brown and, indeed, Christine Milne. This is a dirty deal. The Australian voting public will see it for what it is. It is a dirty deal and it should not pass. (Time expired)

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens)
(22:22): I rise to speak on the Commonwealth Electoral Amendment Bill 2016, and what a long time coming this has been. I have resisted directly contesting some of the weirder assertions about this bill floating around online—some of them based on the sort of deliberate misinformation that we just heard from Senator Lines, but some of them based on genuine concern about what is happening in here this week. This debate is complex enough so I have not tried to rebut some of these things in 140 characters—apologies if you have approached me directly in the last couple of weeks and not got a proper reply. I am going to try to set out my reasoning here now.

Anybody following this debate will understand how complex questions of electoral reform can get, but there are some simple principles underlying the approach the Greens have taken. The purpose of the electoral system is for the composition of our houses of parliament to reflect, as closely as possible, the voting will of the electorate. It should be uncontroversial. The system for the House of Representatives fails this test miserably. If we can say that the Australian Greens' vote nationally is somewhere between 12 and 14 per cent at the moment, then we should have north of 18 members in the 150-seat House of Representatives—no such luck. Adam Bandt, due to talent and hard work, remains our only member of that assembly, because there is no proportional representation in the House.

That is a campaign for another day, but I raise it because, historically, the Senate's electoral system has done a much better job of turning the popular vote into representation in this chamber because of the proportional nature in which in a normal half-Senate election you elect six senators, not just one. But we all know—because until very recently there was a near-unanimous agreement on this—that the system of group-voting tickets in this Senate is being abused. Call it what you will: 'gamed' or 'manipulated', quite expertly, by people who know exactly what they are doing. There is nothing democratic or representative about a tiny handful of individuals spawning off a proliferation of prefab parties with engaging-sounding names and identical memberships, manufacturing group voting tickets designed to funnel people's votes into almost random aggregations in which election to this chamber has turned into a lottery. Election to the Australian Senate should not come down to preference whisperers quietly shunting people's votes from left to right on behalf of the in excess of 95 per cent of voters in some states who vote above the line. In the 2013 election in WA these preference-harvesting operators nearly pulled off their peak achievement: getting an individual from one of these prefab parties elected on just under 0.25 per cent of the vote, while a thoroughly decent Labor member of this parliament looked to have lost her job despite polling in excess of 11 per cent.

The aftermath, I should say, of the 2013 election was the JSCEM report that Senator Rhiannon and her colleagues worked very hard on for six months and which led, ultimately, to the bill that we are debating today. Labor say that they love diversity in the Senate, apparently even if it means throwing one of their own under a bus to somebody whose name might as well have been drawn out of a hat. Labor loves Senate diversity so much that one of
their three stated objectives for the Joint Standing Committee on Electoral Matters inquiry was, and I will quote, 'to clear the political landscape of microparties and eliminate their cartel.' Good work, Labor! I wonder if their preference operators have been spelling that out to the crossbenchers in their fevered attempts to milk their own hypocrisy for vanishing electoral advantage. Good luck with that.

One thing that we have been asked a lot, though, over the last few weeks—and I have a bit of sympathy for this question—is: why are the Greens supporting the Turnbull government on anything, let alone a question as sensitive as Senate voting reform? The answer is reasonably simple. We are supporting it because it is substantially our bill. It is a proposal that we championed since well before the geniuses in the Labor Party accidentally elected Senator Steven Fielding to this place in 2004 on a tiny fraction of the vote.

Here is the thing: henceforth you, the voter, will decide where your preferences go; not the Sussex Street hacks, who have been screaming the loudest this week. You decide. Candidates are going to have to work for your vote instead of trusting the secret deals done in secret meetings. The only time that the ALP care at all about a number of issues is when it is politically expedient to do so. Labor did nothing in government to progress marriage equality and they shut down progress at every opportunity. And now, from the safety of opposition, we are expected to pretend that that never happened.

Well, guess what? I have been here through five prime ministers who did everything that they could in office to block marriage equality: Prime Ministers Howard, Rudd, Gillard, Abbott and Turnbull. And the sad stunt is that you put Senator Leyonhjelm up this morning to try to deflect from your own hopeless inadequacy and it will fool precisely nobody. See you next Thursday for the marriage equality debate that you did everything in your power to avoid when you were in government. My colleagues and myself have sat through all manner of hysterical lectures from the Labor Party this week about voting with Mr Turnbull, because he happened to put his name on a Senate voting reform proposal that we have been championing for 12 years.

So let us talk about voting with the government for a bit. I had to sit with my colleagues and the crossbenchers on that side of the chamber on the night that the Labor Party gifted this country with Prime Minister Abbott's and Attorney-General, Senator George Brandis's, mandatory data retention—passive mass surveillance over 23 million Australians. We had to sit there while you let burning of native forests get into a watered-down renewable energy target. What acts of utter genius. You did that in support of the Abbott government and you did not have to do that at all.

The Labor Party voted to lock up children in detention, and to introduce Border Force and a two-year jail term for anybody who was working with the detained asylum seekers from reporting suspected child abuse. If they want to talk about the impacts on progressive politics of voting with the Abbott-Turnbull government, really, let's have that conversation. It is one that we are more than ready for. For a party that has voted with the government more than 40 per cent of the time, the most savage impacts of the short, miserable tenure of the Abbott government that actually wound up in law are there because of Labor Party complicity. If they want to talk about the comparative records of the Labor Party and the Greens for progressive politics and they seriously want to bring that into the next election, we are ready for that
debate to be had. I worked, and Senator Siewert and Senator Milne worked, for eight years to stop the government from dumping radioactive waste at Muckaty.

Debate interrupted.

**ADJOURNMENT**

The ACTING DEPUTY PRESIDENT (Senator Seselja) (22:30): Order! It being 10.30 pm, I propose the question:

That the Senate do now adjourn.

**Medicare**

Senator LINES (Western Australia) (22:29): I want to talk about the government’s proposed changes to pathology and radiography imaging in this country. Like all senators in this place, I have received many emails but, unlike most senators in this place—in fact, unlike any senator in this place—I have responded. Many of those people who have emailed have told me that I am the only Western Australian senator who has responded to their emails. People who have emailed me are concerned that they will not be able to access quality health care, that they will have to pay upfront for vital tests, including cancer tests—and it is true that they will have to pay upfront—that they will have to travel further to have samples collected and that they will have to wait longer for results. So they are very concerned that these proposed changes to the way billing is done will disadvantage the elderly, the seriously ill, pregnant women and parents with young children.

One woman I will call June—we have emailed her to ask if we can use her name but have not heard back from her so I will give her a new name—came back to me today very grateful I had responded to her email. She told me that she has the high-risk breast cancer gene. Obviously she has to have ongoing breast x-rays to ensure she remains cancer free. Not only is this very sad for June and she is very concerned about future costs but her grandson has a rare malignant tumour of the retina that affects young children. Children with this diagnosis have to have many ultrasounds at a cost of $186—and this is now going to be an upfront cost—and CT scans at a cost of $396 for ongoing treatment, along with a lot of pathology and other imaging tests.

June has the high-risk breast cancer gene—she has a defective gene; it is a mutation that can affect one in 500 people—and will need a lifetime of annual mammograms. It will cost at least $85 every time she has a mammogram to ensure that she remains cancer free. June will also have to have MRI scans, which we know are prohibitively expensive if you have to pay for them upfront. They are around $400, but obviously that is a base cost and could cost more than that. Those are the sorts of costs that June will have to face with the proposals that were put forward during the Christmas holiday period when Australians were not really watching. They were trying to enjoy Christmas and the holiday season. There are those who do not celebrate Christmas with family and friends; nevertheless, the Turnbull government tried to sneak this through.

June knows from personal experience, both for herself and her grandson, that under Medicare rules any patient charged these fees must pay the entire amount upfront. This is the sort of pain that the Turnbull government continues to inflict on ordinary Australians who are trying to keep healthy. They will no longer be bulk-billed and the Medicare arrangement is such that, if bulk-billing does not apply, you have to pay upfront. Obviously the Turnbull
government knew that at the time—and, if they did not know it, well, quite frankly, they were incompetent.

I have had many emails like this. This means that families like June's can be $1,000 out of pocket. Tell me which ordinary Australian working family has got that sort of money. These changes proposed by the government are absolutely unfair and Labor will continue to vote against them and to push the government to back away from this so that people like June can manage their health without the Turnbull government imposing massive costs on their family, which certainly they and others cannot afford.

Broadband

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (22:34): I rise tonight to make some remarks about the ongoing saga that is the Turnbull government's second-rate version of the National Broadband Network. It is a damning indictment on this government that it takes a series of leaks from nbn co for the public to see the information that they should have access to anyway. The Turnbull government does not want the public to see the information contained in these leaks because it reveals the absolute mess that Mr Turnbull has made of Australia's largest infrastructure project.

The information revealed by these leaks makes it clear why the Turnbull government has been so desperate to hide information about the NBN, including information about its finances, contracts and the progress of the rollout. Thanks to these leaks we know several of the problems that have contributed to the massive blowout in the cost of the government's second-rate NBN. We know that the Optus HFC network is not fit for purpose and that nbn co will need to spend another $375 million rebuilding that part of the network. The government estimated that nbn co would need to spend $66 million on rebuilding Telstra's ageing copper network. Instead, the company will have to spend $641 million on remediation—almost 10 times what was forecast. On top of that, the company will need to spend another $520 million connecting homes and businesses that are a large distance from the nodes. With the multitechnology mix rollout hitting problems at every turn is it any wonder that the cost of rolling out the government's second-rate NBN has doubled? While the government have already broken their promise to connect every home and business to the NBN by the end of this year, even the revised targets they set for themselves cannot be met.

Another leak revealed last month that nbn co had connected only 29,000 premises through fibre to the node—less than one-third of their target of 94,000. The government made a big song and dance last year about connecting one million homes and businesses to the NBN, but the truth is that, after 2½ years in government, they have connected only around 30,000 premises under their own steam. All of these connections are fibre to the node, using ageing 20th century copper wire. So far the government have delivered not one HFC connection. The overwhelming majority of NBN connections have been delivered by implementing Labor's plans, through the rollout of fibre to the premises, fixed wireless and satellite broadband. Even where the government's second-rate version has been rolled out, it is not up to scratch. We know this from the multitude of reports coming from former ADSL users who have found their fibre-to-the-node services substantially slower and actually want their previous services back. Those who want to upgrade to a full fibre connection under the government's Technology Choice program have to pay through the nose.
In opposition, Mr Turnbull claimed it would cost a bit over $2,000 to upgrade to fibre to the premises, yet small businesses are already receiving quotes for $10,000. Even the cost of getting a quote is prohibitive. In my home state of Tasmania, the Meander Valley Council is demanding its money back—and quite rightly so—after it paid $10,000 to investigate the cost of upgrading Hadspen, Westbury and Hagley to the fibre-to-the-premises NBN and got back a four-page report with very little detail. The mayor, Councillor Craig Perkins, said the detail in the quote was 'insufficient', and one of the other councillors, Andrew Connor, said that nbn co's estimates could have been arrived at with publicly available information.

I will now turn to the latest embarrassing leak, which reveals that, while the cost per premises of the government's second-rate version of the NBN keeps going up, the cost of rolling out Labor's preferred technology of fibre to the premises is falling. Recent trials have shown that, by adopting a new fibre-to-the-premises technology that involves thinner, more flexible fibre, both the cost of and time for delivering full fibre connections can be significantly reduced.

The latest leak is the most interesting because it reveals that Mr Turnbull has been deceiving the Australian public for months about the true cost of Labor's superior, fibre NBN. By now, the government could have rolled out the real NBN to millions more premises simply by continuing with Labor's NBN rollout plans. The only reason they have not done so is politics. In the meantime, the Australian people continue to suffer from having some of the slowest broadband speeds in the developed world.

This is of particular frustration to residents in Queenstown on the west coast of my home state of Tasmania. It is bad enough that many of those who were promised fibre to the premises under Labor's plans will be getting Malcolm Turnbull's second-rate fibre-to-the-node solution. But spare a thought for the people in Queenstown who will be connected to the NBN by satellite despite being part of the fibre-to-the-premises footprint under Labor's plans. Under our plans, satellite connections were reserved for the most remote parts of Australia, where it would be uneconomical to roll out fixed wireless or fixed fibre connections. But it is the slowest and least reliable of the rollout technologies, and there is no reason why a town like Queenstown should not receive a fixed-line connection as it was promised. This was not just Labor's promise under our rollout plans. Malcolm Turnbull promised before the last election to 'honour existing contracts', and there were contracts in place for the entire rollout in Tasmania. So the government's failure to continue with Labor's rollout plans in Tasmania is just another broken promise.

Queenstown residents were looking to information technology as one of the solutions to the job losses they have experienced through the closure of the local copper mine. But the news that they will be connected to the NBN by satellite means they cannot achieve the broadband speeds they need to develop the local digital economy. This is a slap in the face for a community that is already suffering from economic hardship, which is why 300 of its residents attended an NBN forum last week. Shadow communications minister Jason Clare said that it was biggest NBN forum he had ever been to, which just goes to show the depth of anger within that community. Unless the government returns to Labor's plans to roll out fibre to the premises to Queenstown, those residents will maintain their rage all the way up to the election. The best way they can send a signal to the government about their anger is to vote out their local Liberal MP, the member for Braddon, Brett Whiteley.
I am not in the least surprised that nbn co staff are leaking against the government. Knowing what they know and what has been revealed in these leaks, could anyone blame them for being frustrated that the Turnbull government has ordered them to roll out a second-rate NBN for political reasons? It is time that Mr Turnbull finally revealed the truth about the NBN. He should admit that he got it wrong. If he cannot admit the truth, he should at least lift the veil of secrecy hanging over the NBN and let the public discover the truth for themselves. It should not take leaks of secret documents from nbn co for the public to discover the facts that they ought to know anyway.

The information contained in these leaked documents is in the public interest, but the government are attempting to hide these facts because the information is not in their political interest. They do not want the public to know that their second-rate NBN is well over budget. They do not want the public to know that the NBN rollout is way behind schedule. They do not want the public to know that the cost of rolling out their second-rate NBN is going up and that the cost of rolling out 21st-century fibre to the premises is falling. But Labor knows, and the Australian people know too.

And we know that these inconvenient facts are responsible for the litany of broken promises from the Turnbull government on the rollout of the NBN. Those opposite promised that their second-rate NBN would cost $29.5 billion. It is currently expected to end up costing almost double, at $56 billion. They promised to fully roll the NBN out by the end of this year. It will not be rolled out until 2020, and, given the most recent delays, I will not be surprised if it ends up being much later. They also promised to prioritise the rollout to the 'worst served areas', yet half a million homes in the worst served areas will still be waiting for the NBN at the end of June 2018.

Mr Turnbull basically had one job as the Minister for Communications, and that was to roll out the NBN—one job, and he made a huge mess of it. Had anyone failed so comprehensively in the private sector, they would have been sacked. But instead those opposite decided to promote Mr Turnbull to Prime Minister. And now the sheer incompetence that he demonstrated as Minister for Communications is being repeated in his prime ministership. He has no plans for the future of the country, and he is letting his new Minister for Communications, Senator Fifield, continue with the mess that he made of the NBN.

Wendys

Senator XENOPHON (South Australia) (22:43): During the adjournment debate on Tuesday, 23 February this year, I discussed Supatreats Australia; its Singapore based owner, Mr Stanley Tan; and the concerns raised with me about its Wendys franchise businesses in Australia. I made these remarks after consultation with former Wendys franchisees and others who had business dealings with Wendys. I emphasise that that is in relation to the Wendys master franchisor. I want it to be clear that I have been involved with issues relating to Wendys for some time. In terms of the concern of franchisees, that stretched back to the former owners of the business, Malaysian private equity firm Navis Capital. As I explained in my adjournment speech of 23 February, there were concerns raised with me about the manner in which the business was taken over by Mr Tan's company Supatreats in September 2014.

My intention in raising these concerns was never to disparage the Wendys brand. I know the backbone of this business is hardworking mum-and-dad franchisees who are operating in a tough, and sometimes ruthless, retail environment. That is why it is important to ensure the
franchise structure they are working within supports them, and that any complaints about the
master franchisor are dealt with fairly. In fact, I understand other members of parliament have
raised these concerns with Mr Tan directly.

Shortly after my adjournment speech, I was contacted by Wendys through their Adelaide
based solicitor Mr Greg Griffin. As a result, on two occasions I met at length both in Canberra
and Adelaide on 1 and 8 March with Ms Karin Hattingh, CEO of Wendys Milk Bar, Wendys
legal counsel Mr Tom Lovejoy and Mr Griffin. These meetings were both cordial and
constructive. I appreciate the manner in which Ms Hattingh and Wendys reached out to me in
order to give their perspective on a number of matters I raised in my speech. I want to take
this opportunity to set out a number of matters they have put to me. So let me address a
number of these specific issues they had with my speech.

At the time I was preparing my speech last month, it had been put to me that there were a
number of former employees of Wendys former Adelaide based headquarters who were still
owed entitlements after the company shifted their operations interstate. I have since been told
that all employee entitlements have been paid in full, which includes wages, annual leave and
superannuation. It is most regrettable that jobs were lost and the head office shifted from
Adelaide to Sydney. The issue of the entitlements being paid to employees is confirmed in
the Ferrier Hodgson report to creditors dated 28 July 2015, where on page 26 it confirms there
are no outstanding redundancy payments owing. However, if there are any former
employees—and it seems that would be unlikely—who believe they are still owed
entitlements I encourage them to contact my office to provide me with further details.

Another issue that had been raised with me was the apparent disappearance of $700,000
from Wendys marketing fund after Mr Tan purchased Wendys Supa Sundaes. The marketing
fund was, and continues to be, comprised of payments made by franchisees equivalent to four
percent of weekly revenue. I have been advised by Ms Hattingh that these funds were used to
purchase hot chip machines for the vast majority of their franchisees, given some already had
them and others were not allowed by their landlords to use them. These machines are part of
their longer term diversification strategy for Wendys stores. Clearly these pieces of
equipment—worth up to $8,000 each—were about helping Wendys franchisees increase their
turnover.

I make one final point about the marketing fund. Wendys tells me that some of the
transactions that concerns were raised about, such as the purchase of chip fryers, were
actually approved by the majority of franchisees. Clause 31(3)(a)(iii) of the Franchising Code
of Conduct allows marketing fees to be spent in a way that is approved by the majority of
franchisees. Along with information about the marketing fund, Wendys has put to me their
view of the GST transaction I referred to in my previous speech. Wendys have argued that
this allegation was based on a conversation about a transaction that never took place. And
Wendys have a very different memory of that conversation than the other party involved. Of
course the aggrieved party can properly raise this with the Australian Taxation Office if they
wish to do so.

I readily acknowledge Wendys management for their willingness to take on board feedback
from franchisees that I have passed on. Several franchisees had told me that they were
concerned not enough promotional and marketing activity was taking place since Mr Tan took
over and that it seemed the lines of communication between head office and individual
franchisees had broken down. To their credit, Wendys took this feedback that I provided seriously and I believe they immediately took steps to rectify these concerns. Wendys management tells me new and, in their words, ‘exciting’ marketing activities have been planned for the near future and that franchisees will be receiving regular updates from Wendys head office about promotions going forward. This is of course welcome.

Since my adjournment speech, Wendys have furnished me with information explaining their position on the matters raised. In relation to the multimillion dollar dispute between On The Run stores and Mr Tan's company, Mr Tan's representatives assured me they would be open to a mediation in this matter if the other party was also open to mediation.

I note the cross claim by On The Run is one that alleges that an agreement with the former owner of Wendys, Navis, should continue to be honoured by Mr Tan. It is a complex and messy piece of litigation that will involve a court determining the extent of Mr Tan's liability for this franchise agreement involving dozens of outlets. It is hotly contested by both parties and I strongly encourage both to mediate if at all possible.

In particular, I would like to address issues that I raised in respect of the new entity that took over Wendys being involved in a phoenix scheme and funds being cannibalised from one company to another. On the face of it, based on the transactions, this would not appear to be an outlandish claim to make. However, the management of Wendys on behalf of Mr Tan have set out their position that the business they took over was a basket case and heavily in debt. They bought the intellectual property of the business for $10 million with the intention of the business growing, including expanding into Asia. In fact, they tell me they are already selling their premium Australian made ice cream used in Wendys stores into South Korea.

Their management assures me that Mr Tan's investment in the company and by extension the franchisees will be a long-term one, and they want a rosy future for Wendys and their franchisees. So on the basis of that information provided to me it was unfair for me to call Mr Tan a 'corporate cannibal' and with the benefit of hindsight I regret saying that. It is also not fair to suggest a phoenixing arrangement on the basis of the additional information provided to me.

I am sure my communication with Wendys and their current and former franchisees will continue. I believe there are outstanding matters in dispute between franchisees and Wendys that must be dealt with, but I hope they can be dealt with fairly without recourse to litigation. I want nothing more than the franchisees of Wendys, small family businesses, to do well and to prosper. I will continue to work with them, advocate for them and to keep lines of communication open with Wendys management.

I propose to keep the Senate updated in the next few months, if not earlier, as to how franchisees of this iconic brand are doing, and whether any disputes have been resolved. Again, I am grateful for both franchisees and Wendys management for contacting me and I look forward to the master franchisor and franchisees prospering together.

**Anniversary of Battle of Pozieres**

Senator McEWEN (South Australia—Opposition Whip in the Senate) (22:51): This July marks 100 years since the widely known Battle of the Somme, one of World War I's largest battles, in which British and French troops fought against the German Empire. In what
became one of the bloodiest battles in human history, the Battle of Somme saw more than one million men wounded or killed.

Though it was the British and French troops who predominantly contested the Somme offensive, a lesser known but equally as important battle, the Battle of Pozieres, took place during the middle stages of the Battle of the Somme. Comprised of many smaller battles, the Battle of Pozieres plays an important role in Australia's wartime history and has significant links to South Australia.

The French village of Pozieres, some 150 kilometres north-west of Paris, lies on an advantageous ridge, which was used by the Germans as an important defensive position during the Battle of the Somme. The Somme Offensive, as many people would be aware, commenced on 1 July 1916. The attack was made by five divisions of the French Sixth Army either side of the Somme, eleven British divisions of the Fourth Army north of the Somme and two divisions of the Third Army opposite Gommecourt, against the German Second Army of General Fritz von Below. With a gain of just 1½ kilometres, the British Fourth Army were rapidly and horrifically overwhelmed. They recorded 57,470 casualties, of which 19,240 were killed. Support was unquestionably required and the Australian troops answered the call.

On 23 July 1916, the 1st Australian Division, many of whom were survivors of the disastrous Gallipoli campaign, joined the fighting. Beginning in darkness, the 1st Division were thrown in succession into the fighting around Pozieres. In one of the first great battles involving Australians on the Western Front, Australian troops stormed Pozieres and captured the village. A few days following the capture, and after enduring almost continuous artillery fire and repeated and heavy counterattacks, the exhausted team was replaced by the 2nd Division. Within the space of four days, the 1st Division had suffered 5,285 casualties. The 2nd Division mounted two further attacks. The first, on 29 July, was a costly failure. The second, on 2 August, resulted in the seizure of further German positions beyond the village. Again, the Australians suffered heavily from retaliatory bombardments. They were relieved on 6 August, having suffered 6,848 casualties. The 4th Division was next into line at Pozieres. They too endured a massive artillery bombardment and defeated a German counterattack on 7 August, which was the final attempt by the Germans to retake Pozieres.

For 42 days, the 1st, 2nd and 4th Division Australian battalions took part in 19 major attacks, with 16 of them occurring at nightfall. In figures that shocked the nation, within just two weeks the Australians had suffered 12,000 casualties. By the end of the fighting, the losses numbered a staggering 24,000 men. These figures were horrific—comparable to those sustained by Australians over eight months at Gallipoli. With German forces on three sides and their own artillery firing from the rear, these men lived and fought, and many died, amongst a constant rain of shells. According to the Australian War Memorial's Senior Historian, Peter Burness, Pozieres, during the Battle of the Somme, became 'the worst place on earth'. Burness wrote, 'The soil seemed to have turned to ash, the whole place smouldered like a rubbish tip, the air was acrid, and death lay all around.' Indeed, it was the historian Charles Bean who said after visiting Pozieres that the place 'is more densely sown with Australian sacrifice than any other place on earth'.

More than 700 of those men who were classified as either missing or deceased from the Battle of Pozieres were South Australian. Deriving from the 10th Battalion, 27th Battalion, 48th Battalion and 50th Battalion, South Australian troops played an integral part in the
Pozieres battle. Significantly, one of those South Australians was Arthur Seaforth Blackburn, a lawyer before joining the forces. It is believed that in 1915 Blackburn and another man penetrated further inland at the Gallipoli landing than anyone else. Later, in Pozieres, he commanded a party of 50 men, which in the face of fierce opposition destroyed an enemy strongpoint and captured nearly 400 yards of trench. His commanding officer said of Blackburn that upon arrival at Pozieres:

Matters looked anything but cheerful … but Blackburn lost neither his heart nor his head.

Undoubtedly one of the country's bravest soldiers, his couragelessness saw him become the first South Australian recipient of the Victoria Cross. After returning to legal practice in Adelaide and serving for a short time as a Nationalist member for Sturt in the South Australian House of Assembly, Blackburn led the 2/3rd Machine Gun Battalion in Syria during the Second World War. He was promoted to command 'Black Force', an assorted group of over 3,000 Australian troops from various units to assist the Dutch against rapid Japanese advance. In spite of Blackburn's reluctance, the Allied Forces ultimately surrendered and Blackburn was held as a prisoner of war until 1945. After his release, he received many accolades for his services.

Blackburn's name appears at the top of the water tower memorial at Pozieres. While his heroism is acknowledged, there remain more than 4,000 men from the Battle of Pozieres with no known grave. In memoriam of those unknown soldiers, and as tribute to the thousands of Australian men who fought there, the Pozieres Remembrance Association, together with the local village, is planning the installation of the Pozieres Memorial Park. Commencement of work on the park is scheduled to start towards the end of April this year. The first stage of the memorial park will be opened on 23 July this year, the centenary of Australia's first involvement in the Battle of Pozieres. As part of the park, it is intended to rebuild the historic windmill destroyed in the fighting in 1916. The park will include a special section to pay tribute to the bravest of the brave, including South Australia's Arthur Blackburn and four other Victoria Cross recipients. However, without adequate awareness or funds, the full dream of the Pozieres Remembrance Association may never become reality. I highly encourage all senators and members to log on to the website www.pozieresremembered.com.au and join me in lending their support to remembering those soldiers who did so much for Australia.

Significantly, last December a bayonet unearthed from the fields of Pozieres was presented to the citizens of South Australia. The bayonet is a gift from the people of the village as a symbol of the Pozieres community's admiration for Australians who gave their lives for their freedom and to raise awareness of this significant battle. I have been told the bayonet was gifted by the President of the Pozieres Remembrance Association, Barry Gracey, on behalf of the mayor and citizens of Pozieres and was graciously accepted by the state Minister for Veterans' Affairs in my home state, Mr Martin Hamilton-Smith, on behalf of all South Australians. The bayonet was erected last month for public display in the South Australian parliamentary library.

On top of the Australians who were killed in the battle, many more were severely maimed. I would like to pay tribute tonight to those diggers who paid the ultimate sacrifice and those who were wounded, and also I would like to pay tribute to the ongoing work of the Pozieres Remembrance Association to honour these great Australians. It often takes volunteer groups...
like the Pozieres Remembrance Association to remind us of our history and particularly our war history.

Indigenous Suicide

Senator SIEWERT (Western Australia—Australian Greens Whip) (23:00): I rise tonight to talk about the absolute tragedy that is unfolding in Western Australia, my home state. That relates to the alarming, increasing number of suicides that is occurring in the Kimberley. I think the whole of Australia was shocked at the news of the suicide of a 10-year-old girl just at the end of last week. How, as a society, can this be happening in what people believe is a First World nation? Something is very wrong.

The Kimberley Aboriginal Law and Culture Centre, or KALACC as I will refer to it, has been working on supporting, maintaining and strengthening culture in the Kimberley and is a very well-respected organisation in the Kimberley. Several days ago—I received a copy today—they wrote to the Prime Minister outlining their concerns and requesting an immediate and full response to the crisis affecting Indigenous youth in the Kimberley region. It is a crisis that is affecting our Kimberley Aboriginal youth. Nineteen people have killed themselves in remote parts of Western Australia since December. One in four suicides by Aboriginal people occurs in my home state of Western Australia. A 2012 report in the Kimberley found that suicide accounts for twice the mortality burden of alcohol. In the past five years, the Kimberley suicide rate has doubled and there have been more than 100 suicides, and the rate is eight times that of non-Aboriginal people.

There is clearly something happening in communities across the Kimberley, and unfortunately at this stage there is no sign that we are able to offer the sorts of supports that would adequately address this issue. Behind every one of these statistics, there are grieving communities and families that are experiencing devastating loss and in many cases, in fact, multiple loss. Governments have been promising to help in the Kimberley for a long time and have, in fact, made some funding commitments. But those, like a lot of commitments of funding, are sometimes short term and they run out, and then we do not see services being put in place, or we see funding being put in places or in services that actually do not help appropriately.

The Minister for Indigenous Affairs in January announced funding for a fly-in post-suicide immediate response unit. KALACC, when they were writing to me, pointed out that they welcomed this initiative. There is a lot of data relating to the phenomenon of suicide clusters, and in that context there is obvious merit in the concept of a fly-in post-suicide response unit. However, suicide is widely recognised as being a multifactorial phenomenon, and any appropriate response also needs to be multifactorial. KALACC's estimation is that the fly-in post-suicide response unit represents about 10 per cent of what is an appropriate response to this issue. Yes, that is good support from the minister, but it is only a small part of what needs to be done.

In 2012, there was a report by leading expert Professor Pat Dudgeon from the University of Western Australia. The report, Hear our voices, made a number of very important points. The report said we have to recognise the importance of culture and culturally appropriate approaches. Professor Dudgeon spoke to three communities as part of the research and said:
Of particular note was the high level of concern and urgency for the need to focus on young people who, it was felt, have lost their sense of connection to and respect for their culture, their family and themselves.

These are some of the factors that the report found strengthened social and emotional wellbeing, connection to land, culture, spirituality, ancestry, and family and community.

Since then the government has received another report on suicide in the Kimberley. The Aboriginal and Torres Strait Islander suicide prevention evaluation project is due to report later this year, and I understand the minister is awaiting that report. However, as part of the project, the evaluation team held a roundtable in the Kimberley on 27 August last year—and they produced a report from this Kimberley roundtable. The government now have this report, and it is clear from what is in that report that they cannot wait for the final report of the project before acting. The Kimberley is in crisis. I think everybody would accept that. Why not act on the recommendations that are in this report on the Kimberley roundtable that the government now has? If the government cannot find it, I will gladly give them the copy I have.

This report makes a large number of important points and talks about the problems being faced. It involved participants, most of them—78 per cent—Aboriginal participants, talking about the issues we need to address if we are to deal with this terrible and appalling tragedy of Aboriginal suicide. The report calls for the government to act on the underlying factors. It says, for example:

… governments must prioritise addressing the social determinants that influence Aboriginal and Torres Strait Islander health and wellbeing.

It goes on to say that communities need to be empowered and need to self-determine. It also says:

According to the majority of participants, mental health issues and the impacts of historical and contemporary traumas could be reduced if communities are supported economically and if self-determination and empowerment was in place for families and communities.

The report talks about the denial of distinct cultural characteristics and of how remote communities in the Kimberley face unique challenges. The report says that these communities face 'additional stressors or risk factors compared to the larger regional towns and urban populations'. Clearly this report raises really important issues the government needs to tackle.

The report summarises the views of people at the roundtable:

Participants expressed their concern that governments are failing to provide adequate funding to social and emotional wellbeing approaches, programs and services which also include family wellbeing programs … Participants expressed the importance of individuals' families and communities to identify and to challenge this sense of internalised powerlessness, and to develop opportunities to gain a sense of control within their lives.

When individuals and communities are empowered then there is a powerful foundation to address cultural stability and high rates of suicide and self-harm. We cannot afford to wait another six months before the final report of this project is tabled. We cannot afford to wait even another day before we start acting on the recommendations of this report we already have.

KALACC, which is strongly supported by the Kimberley community, has been working on these issues for years. It has proven results in working with young people on-country in
building culture and building connectedness. Not only the Australian literature but the international literature—in the context of first peoples in other countries as well—shows the importance of culture and of having programs that are developed, owned, managed and run by Aboriginal organisations. Culture is of absolutely fundamental importance.

The government has this report. They need to act on it. KALACC has written to the Prime Minister asking them to act on these recommendations and to confirm whether KALACC itself will have funding for its renowned cultural programs—because its funding for many of these programs runs out this year. Not only do we have not enough funding going in and a report that is not being acted on—when we know the crisis situation requires immediate action—we also have an organisation playing a key role in providing these services that does not know if it is going to have the funding it needs to enable it to continue operating some of its key programs this year.

I urge the Prime Minister to pay very close attention to KALAC’S letter. And I urge the Minister for Indigenous Affairs to read this report from the Kimberley, just from last year. The Aboriginal and Torres Strait Islander Suicide Prevention Evaluation Project report is sitting with the government. There are some things that can be done now, and I urge the government to take those up.

Broadband

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (23:10): Tonight I would like to talk about an area that is close to my heart that is doing it tough, and a golden opportunity that could really turn things around. The area is the West Coast of Tasmania. The West Coast has long been a major engine room helping to drive the Tasmanian economy, bringing millions of dollars to the state through mining and tourism. But the fall in commodity prices has hit hard, and in recent years mine closures have seen the loss of hundreds of jobs. Despite this, the region still has an economic output of $372 million each year. But there are serious risks for the future if the reliance on mining is not reduced.

Everyone is in vigorous agreement that economic diversification and the stimulation of new sectors are urgently needed for economic growth. And everyone recognises that a first-class broadband network will be integral to achieving this goal—everyone, that is, except the Prime Minister, Malcolm Turnbull, and local federal member for Braddon, Brett Whiteley. Because, rather than delivering the superior full-fibre network that was planned by the former Labor government, the Turnbull government has decided to connect the three important towns of the West Coast—Queenstown, Rosebery and Zeehan—to the slowest form of internet, satellite.

It is important to note this is the very same satellite that nbn co said in a 2014 review was likely to be 'severely oversubscribed'. But Mr Turnbull has belligerently refused to heed this advice, and local member Brett Whiteley has toed the party line, refusing to fight for the people he is supposed to represent. I want to be clear: satellite is a great technology. In fact, it was the former Labor government who did the hard yards to get these marvels up in the sky. But it was designed solely for small rural and remote hamlets, not regional hubs the size of Queenstown, Rosebery and Zeehan.

This is borne out in evidence from nbn co at today’s select committee hearing that there will not be a single town in the country connected to satellite that is larger than Queenstown.
Satellite is not only the slowest of the broadband technologies; it is also affected by rain. Why the Liberal government does not see that as a problem, when some parts of the West Coast receive over 2,000 millimetres a year, is beyond me. We also heard today that the government has not even asked nbn co to look at the economic impacts of the technologies they are foisting on these communities.

Needless to say, the people of the West Coast are angry, and rightfully so. They know the impacts of this decision on the economic future of the region could be very serious indeed, and they are absolutely livid that they have been betrayed by the Turnbull government. But the Liberals have underestimated the people of the West Coast. What they lack in resources, they more than make up for in pure grit, determination and an ability to band together to achieve outcomes. Ever since the Turnbull government backflipped on its own rollout plan, which had slated these towns for fibre based connections, the West Coast has harnessed the power of community spirit to fight back. Mayor Phil Vickers, council general manager Dirk Dowling, and business and community leaders have driven a powerful campaign to fight for the future of this special region.

There was no better example of this fighting spirit than at a community organised NBN forum in Queenstown last week, which saw around 200 angry residents turn up to demand the NBN that they deserve. Labor candidate for Braddon, Justine Keay, and I attended the forum. We also invited Labor's shadow minister for communications, Jason Clare, along so he could speak to the community and meet business and community leaders first-hand as to how important the right infrastructure will be in developing a thriving and diverse West Coast economy. Now, Mr Clare has attended quite a few of these types of events around the country, so he is no stranger to community anger at the Turnbull government's blatant betrayal of the NBN. But even I was surprised to learn that this was the biggest forum of its sort that he had attended. He was extremely impressed by the way the community had united to fight for the infrastructure they will need for the next century.

The night gave an incredible insight into the many different ways that this decision will devastate the community and shackle the economic growth of the entire region for decades to come. We heard from small business owners, big business representatives, students and members of the community. All of them spoke of the limits this will place on their ability to be productive. All of them echoed concerns about how the region can possibly compete for business and investment without the first-rate NBN that other regions will have.

We heard from the council's general manager that pleas to the government had fallen on deaf ears. Then we heard from the Liberal member for Braddon Brett Whiteley who tried to fob off the community with a weak entreaty to stop bothering him and to come back in six months. Of course, the people of the west coast are not stupid. They know as well as I do that before the six months is up there will be a federal election. They recognise this is nothing but a blatant stalling tactic from Mr Whiteley to save his own job without having to stand up to Mr Turnbull. They also know that this Liberal government has spectacularly failed to deliver on its NBN promises to Tasmania.

In fact, before the 2013 election the Liberals promised to honour all the former Labor government's existing contracts for the superior fibre-to-the-premises rollout. This of course includes the master contract which would have seen west coast properties in the three towns connected to world-class, high-speed broadband. But, once the election was safely in the bag,
Mr Turnbull had no qualms about breaking his solemn promise and substituting the superior full-fibre networks with a second-rate offering based on ageing copper wires. It was an offering that saw nbn co perversely spend up big on 1,800 kilometres of last century copper rather than investing in the infrastructure Tasmania will need for the future.

But the situation was to get even worse for the people of the west coast. In April 2015 nbn co's roll-out schedule clearly showed that Queenstown, Rosebery and Zeehan were scheduled to get a fixed line network. The company's roll-out map also showed that the necessary fibre link from Launceston was on the plan to be completed. Then, suddenly in the July roll-out schedule, these three towns vanished overnight from the fibre roll-out map. There was no announcement, no warning and no apology. Mr Whiteley alternated between trying to deny that a plan for a fixed line network was ever on the cards and telling the people of the west coast that they did not deserve it anyway because it was too expensive. At this point I would like to reiterate that this west coast region generates $372 million in economic activity in a year. That is no small thing. To my mind, only a fool could argue that this kind of economic output should not be supported by investment in the best broadband infrastructure.

Soon after these events we learned what was really going on when Mr Turnbull was forced to admit that his substandard network costs had blown out. In fact, the cost of the Prime Minister's second-rate NBN has now almost doubled from $29.5 billion to $56 billion. It does not take a genius to work out that these two events are intimately related. Mr Turnbull has wasted billions of dollars on his substandard network and the west coast is being hung out to dry to pay the price for his failure. The people of the west coast are resilient and they are determined. They will not stand by and let the opportunity of a lifetime be ruthlessly ripped away because Mr Turnbull could not manage his budget. They will not meekly fade away because the local member asked them to. They will continue to fight for the broadband they know they not only need but also deserve.

Today, I stand with the people of the west coast in their quest for a better deal. Along with the Labor candidate for Braddon Justine Keay I will continue to knock on doors at the highest level. I will continue to ask the difficult questions whenever I can and I will continue to promote the benefits of the real NBN at every possible opportunity. I will not tell the people of the west coast that they are too small for this sort of investment or say that they do not deserve the technology that their fellow Tasmanians in Hobart and Launceston will receive. I will not tout shallow platitudes about Rolls-Royce solutions and try to fob them off.

In 2013, Tasmanians learnt to their dismay that Liberal pre-election promises are not worth the paper they are written on. In 2016, I suspect that people will look back on this blatant betrayal and will think twice when they cast their vote in the next election.

Federal Election

Senator McGrath (Queensland—Assistant Minister to the Prime Minister and Assistant Minister for Immigration) (23:19): It is a great honour to be a senator for Queensland, and it is a great honour to represent the people of Queensland, whether it is dealing with the yellow crazy ants of Far North Queensland or being the patron for the restoration of the World War II igloo on the Atherton Tablelands. It is a great honour, and the LNP carries the torch for all Queenslanders. You only have to look at our Senate team and the senators who represent the LNP to see that we are a diverse team with a lot of senators who bring skills and abilities to the table that are sadly missing in the Labor Party.
My colleagues Senators Macdonald, Brandis, O'Sullivan, Canavan and Lindgren are talented and great people. We come from all parts of the state and represent all of Queensland. Senator Macdonald is based in Townsville. He is the father of the Senate who has been a lifelong champion for the people of North Queensland. Senator Canavan is based in Rockhampton and is the new Minister for Northern Australia. Senator O'Sullivan has his office in Toowoomba in the state's south-west, and my office is in Nambour between the Sunshine Coast and the Wide Bay regions. We also have Senators Lindgren and Brandis with their offices in Brisbane.

Two weeks ago we saw the real difference between the Labor Party and the Liberal-National Party with the selection of our Senate teams. We did not have any of the smoke-filled rooms with union heavyweights moving knobbly pieces around on a board. We had a democratic process in our party where party members chose our Senate team for the next election. Senators Brandis, O'Sullivan and Lindgren were reselected and they were joined by two new Senate candidates, Gerard Rennick and Dan Ryan. As a reflection of the truly democratic nature of the LNP, these positions were decided on merit and not according to factional allegiances as occurs in the Queensland Labor Party where we saw Senator McLucas and ordinary members overruled by union heavies and factional warlords. North Queensland is going to miss out as Senator McLucas's replacement is not taking over her office in Cairns but, instead, is going to be based down in the south-east corner.

In the other place, the Liberal-National Party has a fantastic team of MPs who have been holding the flame for the Liberal-National Party since the last election. They are going to be joined by great candidates like Ted O'Brien in Fairfax, David Littleproud in Maranoa, Teresa Harding in Blair, Nick Monsour in Moreton, Freya Ostapovitch in Rankin, David Kingston in Lilley and Fiona Ward in Griffith. They are already fighting to improve their communities and to provide a strong voice as part of the federal coalition team.

We are supporting innovation with our $1.1 billion innovation agenda to incentivise entrepreneurs and invest in education and research. We are opening up new trade markets with the China, Japan and Korean free trade agreements and the Trans-Pacific Partnership which are unlocking new opportunities for exporters and for our economy. We are standing up to the thuggery that is paralysing Australia's construction sites, while those opposite sit back and take their orders from their trade union paymasters in opposing reform. We are investing more than $50 billion in infrastructure for roads, rail, airports and water, and we are developing a plan for Northern Australia for the first time in our nation's history.

The coalition government have a very good story to tell. There have been 421,000 jobs created since we came into office, with 301,000 jobs in 2015 alone. That is the strongest calendar-year growth since 2006 when the coalition were last in government under John Howard. In 2013, under Labor, employment growth was only 1,900 per month which is an annual growth rate of 0.2 per cent. Over the past year, under the coalition, jobs growth has
been more than 10 times that amount with more than 25,000 jobs created per month at an annual growth rate of 2.6 per cent. And we are fixing the budget by reducing Labor's debt and deficit, with the underlying deficit falling from 2.3 per cent of GDP to 0.7 per cent over the forward estimates.

The coalition is also delivering on its promise to keep Australians safe. We have stopped the flow of boats that was unleashed by the open borders policy of Labor. And, unlike Labor, the coalition will work carefully in assessing tax reform options, rather than the Labor way of rushing changes that will hurt confidence, discourage investment, and damage the economy—like the carbon tax, the mining tax and their proposals on negative gearing. And we have just celebrated the 20th anniversary of the election of the Howard government, when the Australian people took their baseball bats to the economic recklessness of the Keating Labor government. Sadly, some things never change. Bill Shorten and Labor, and their high-taxing, high-spending policies, would once again take Australia down the path of economic destitution. It is the federal coalition that will fight to ensure Australians are able to achieve the exciting and prosperous future that lies ahead.

In my own home state of Queensland, we see the Labor government on the brink of collapse, frozen at the wheel. The Palaszczuk Labor government cannot make a decision but have launched over 80 reviews. Like their federal counterparts, they are under the thumb of union bosses, having met with their masters nearly 250 times since February 2015. The result has been a freeze in infrastructure investment, seeing unemployment rise, business confidence collapse and a growing state debt. Queensland deserves better.

And in Brisbane City the LNP's Team Quirk has been working hard for the last five years to deliver practical, sensible and reliable leadership to the people of Queensland's capital. Lord Mayor Graham Quirk is passionate about making Brisbane a more liveable, accessible and sustainable city, where new jobs and opportunities thrive. Under Lord Mayor Quirk, Brisbane has become a hub for enterprise, education, innovation, culture and development. Team Quirk have improved public transport, with over 1,000 new buses and 11 new CityCats since 2004, and high-frequency services to reduce congestion on city roads. They have delivered the Clem7, Airportlink, Go Between Bridge and Legacy Way projects, along with much-needed suburban road projects. Over two million trees have been planted, and 500 hectares of bushland have been preserved. The Brisbane City Council now uses 100 per cent renewable energy. Team Quirk has made Brisbane more liveable, delivering new traineeships; 100 per cent low-floor accessible buses; free wi-fi in Brisbane libraries and parks and the CBD; as well as new parks and upgrades. Brisbane has seen more four- and five-star hotels built in the last two years than in the past 10 years, and Brisbane has been the home of world-class events, like the successful 2014 G20 summit, Brisbane International tennis, and the Asia Pacific Screen Awards.

But all we have gotten from Labor is another dirty, dirty smear campaign—which today has been discredited by the Crime and Corruption Commission. So what we get from Labor is more smear, more dirt campaigns, more debt, more deficit and deceit. And that is all that Labor has to offer to the people of Brisbane. It is vital that Team Quirk is elected at the local government elections this weekend so that we can keep Brisbane on the right track with new infrastructure, improve services and have great amenities for the city. The LNP is the party that is delivering for Queenslanders, unlike the Labor Party and their union paymasters.
Whether it is federal, state or local, only the Liberal National Party and the coalition is a champion of small government, low taxes, strong communities and personal freedom.

**World Down Syndrome Day**

Senator MOORE (Queensland) (23:28): World Down Syndrome Day is celebrated on 21 March each year. The day was created to raise awareness about Down syndrome to overcome prejudice and to promote the respect and integration into society of all people with Down syndrome. The date of 21 March was specially chosen to connect with Down syndrome, known also as trisomy 21 because it is characterised by the presence of a third chromosome—three instead of two—in the chromosomal couple number 21 of the human cells. Hence, obviously, the choice of the 21st day of the third month. In this month we will be taking celebrations again into our parliament by having a parliamentary morning tea to celebrate the occasion on the closest sitting day to 21 March, which is 17 March this year, and also by having a notice of motion in this place—our parliament coming together to celebrate World Down Syndrome Day and to talk about the national campaign.

At the morning tea, the Minister for Social Services will launch the advertising campaign that is produced for the international Down syndrome community each year—pro bono—by Saatchi & Saatchi. This year the theme is: 'How do you see me?' The advertising campaigns of the last few years are a hard act to follow because they have been extraordinarily effective. I will mention just three of those previous campaigns tonight before getting onto the one for this year, because I think each one shows creativity—linking knowledge and awareness. The first one I saw was about effectively integrating people with Down syndrome into the community. The Saatchi & Saatchi campaign that year used the technique of showing alternative versions of well-known national and international TV and print campaigns—featuring actors with Down syndrome in place of the original actors and models. People with Down syndrome also took part in well-known live Italian TV shows. The alternative campaigns were intended to promote the importance of integration in a unique way—by realising it. High-profile participating brands include Averna, Carrefour, CartaSi, Enel, Illy, Pampers and Toyota. The advertisements used were all very well known. I recommend that people check out YouTube to see the effectiveness of showing these ads with Down syndrome actors. They highlight the theme of inclusion and show that we have to address prejudice, especially in workplaces and schools.

Last year we saw the story of Salvatore and Katarina, which emphasised the importance of independence. I spoke in this place about the stunning YouTube program which looked at two young couples making the decision to live together—as we would expect anyone to be able to do independently and with confidence. Again this campaign showed the effectiveness of linking creativity with extraordinary messages about making sure that people are treated with respect. That year the concept was that people with Down syndrome had the right to live independently and to be fully integrated into society, and that those rights should be protected. That is important no matter where we live, and the campaign presented that very personably through allowing us to meet Salvatore and Katarina.

My favourite campaign, which I talked about last year and the year before, was the one called 'Dear Future Mom.' This is one that I think everyone should look at on YouTube. It was stimulated by a letter sent to Italy's national Down syndrome association by a mother—'Future Mom'—who had found out that the child she was carrying had Down syndrome. Her
question was: 'What kind of life will my child have?' The Saatchi & Saatchi people then filmed a response to that question from 15 people with Down syndrome expressing to their own mums exactly what their lives could be. Its message to the community was clear: people with Down syndrome can be independent and effective. They talked about being happy, being able to write and being able to travel. My favourite response to Future Mom in the film was: 'He'll be able to help his father fix his bicycle'.

Given that legacy, what are Saatchi & Saatchi during this year? The 'How do you see me?' campaign focuses directly on challenging the issues of prejudice and low public expectations of people with Down syndrome. The viewer of the advertisement is confronted with the message of 'what my life could be'. It shows someone working, having a relationship and living in the community. All the way through, the voice-over says, 'How do I see myself? This is how I see myself.' We see images of how we see ourselves—healthy, successful and independent—but the catch is that this is exactly the same image that people with Down syndrome should be able to have. Through the creative process—the campaign will be unveiled at our morning tea and fully launched into the community—the message is quite clear: that you should challenge directly any concept of difference or of dependence. The message must be perceived in the same way had the viewer had Down syndrome or not. The message must be the same: we can make decisions, we can be independent, we can be successful. The video ends with the reveal. Finally we see the true image of the narrator—again, a challenge for all of us to ensure that the message gets across.

At the parliamentary morning tea, members of the Down syndrome community in the ACT will join with federal MPs and senators to view the ad to think about what the message is. A young woman from Canberra, Naomi, who is a young adult with Down syndrome, will be coming to join in the celebrations and tell us and the minister directly what her life is about and how she should be able to be seen in her life. In addition to the advertising campaign, Down Syndrome International will be hosting a conference at the UN in New York on the World Down Syndrome Day, seeking to drive and international and social media conversation about their My Friends, My Community campaign—again, the benefits of inclusive environments for today's children and tomorrow's adults.

Down Syndrome International wants to get the My Friends, My Community conversation going all around the world online. We can all help by using the hashtag and posting anything which we think promotes inclusion of people with Down syndrome—photos, messages or quotes—just to reinforce this message. People with Down syndrome, on an equal basis with other people, must be able to enjoy full and equal rights as children and as adults. This includes, naturally, the opportunity to participate fully in community. The reality for many is that the prevailing negative attitudes result in low expectations, discrimination and exclusion, creating communities where children and adults with Down syndrome cannot integrate successfully with others.

When children with Down syndrome and other disabilities are given opportunities to participate, all children benefit from this shared environment of friendship, acceptance and respect for everyone, and high expectations are then created. In addition, the environments prepare all today's children for life as tomorrow's adults, enabling adults with Down syndrome to live, work and participate with confidence and individual autonomy, fully included in society alongside their friends and peers.
Last year the Australian parliament was the only parliament in the world to mark World Down Syndrome Day when we passed a motion of support. We will do that again in this place, hopefully this week. This will again be the only national parliament to host a parliamentary morning tea and a viewing of the advertising campaign. The support the Down syndrome community in Australia received from our national parliament was actually noted at the UN conference last year, so we made a difference. We made a difference in our parliament for people all over the world with Down syndrome. So, on this World Down Syndrome Day, we will again note the importance of working, living and participating in the community with confidence. That is what we need to celebrate on World Down Syndrome Day.

Western Sahara

Live Animal Exports

Threatened Species

Senator RHIANNON (New South Wales) (23:38): The date of 27 February 1976 is very significant for the indigenous people of Western Sahara. On that day, the Saharawi Republic was declared. On that day Spain abandoned the territory after almost a century of colonisation. It is 40 years since Spain withdrew from Western Sahara without accomplishing its duty of allowing the people of Western Sahara to exercise their right to self-determination. It is 40 years since Morocco invaded Western Sahara, sparking a war that lasted 15 years and displaced 165,000 of Western Sahara's indigenous people.

It is 40 years since the International Court of Justice condemned the idea that Western Sahara was terra nullius—a condemnation all too familiar to Australia's own Aboriginal people. The court concluded that the people of Western Sahara possessed the right to self-determination. But since that time they have seen their homeland divided in two, with a 1,500-kilometre-long wall strewn with millions of landmines. The UN Mission for the Referendum in Western Sahara, known as MINURSO, arrived in 1991 with the promise of a referendum on self-determination. But Morocco reneged. Forty years on, and Morocco remains intransigent, with King Mohammed VI of Morocco referring to the occupied parts of Western Sahara in a speech in the capital of the occupied territories, El Aaiun, as Morocco's southern provinces.

For 40 years people of Western Sahara in the Tindouf refugee camps in south-west Algeria have dreamt of returning to their fertile homelands in and around El Aaiun, Boujdour, Dakhla and the other parts of the occupied territories. The camps have their own schools and hospitals run by the Polisario Front, recognised by the United Nations as the representatives of the Western Sahara people. But conditions are harsh, with week-long heavy rains in October 2015 causing severe flooding and destroying around 75 per cent of the infrastructure and essential services in the camps. The UNHCR called for urgent donor funding, with the Western Sahara mission reporting an 80 per cent shortfall in funding. Australia has never provided direct assistance to the camps.

For 40 years the Saharawis living in the occupied territories have lived without the freedom to speak their minds and in constant fear that they will be 'disappeared', beaten or killed by the Moroccan authorities. In October 2010 in Gdeim Izik thousands of Saharawis pitched their tents in an act of defiance against the occupation, but it was short-lived. After a month the
Moroccan authorities stormed the protest camp, killing and injuring an unknown number—unknown because international observers were never allowed to investigate—and they arrested hundreds. Nine protesters were sentenced by a military court to life imprisonment and 14 to sentences ranging between 20 and 30 years. MINURSO has failed to document and respond to these violations because it is the only modern UN peacekeeper not required to monitor human rights violation.

For 40 years the Saharawis have lived without the power to benefit from rich natural resources in the land and waters of their homeland. The region has the third largest deposits of phosphates in the world. Phosphate, a major component of fertiliser, is illegally mined by the Moroccan authorities in the occupied territories. In 2013 it leached $330 million from the pockets of the Saharawi people. The exploitation by Morocco of Western Sahara's natural resources has been repeatedly condemned by the international community. For example, in a 2015 legal opinion the African Union called upon member states and their companies to stop the illegal exploitation which threatens the integrity and prosperity of the people and the peace and stability in the region. In December 2015 the Court of Justice of the European Union annulled a free trade agreement with Morocco which failed to differentiate between Morocco and Western Sahara, citing human rights concerns. Thanks to international and domestic pressure, only one Australian company continues to import Western Saharan mined phosphates into Australia. Despite being blacklisted by Norwegian and Swedish pension funds, the Australian company Incitec Pivot Limited still imports into Australia annually more than $10 million worth of phosphates.

It has been 40 years of occupation, 40 years of violence, 40 years of exile, 40 years of exploitation for Western Sahara. Enough is enough. There is a role for Australia. We should provide assistance to the Western Saharan people in the Tindouf camps. Australia must stop Incitec Pivot from illegally importing Western Saharan phosphates. As a previous contributor to MINURSO, Australia must call for the extension of that body's mandate to include human rights monitoring, and, as it did in the case of East Timor, Australia must strongly support the organisation of a free and fair referendum in Western Sahara in accordance with the UN peace plan without further delay.

On another matter, last week the Department of Agriculture and Water Resources released its quarterly compliance report on the Exporter Supply Chain Assurance System known as ESCAS. It was a report that described multiple noncompliances with the system, something those who follow this are not surprised at. It included many more examples of the inhumane treatment of our exported animals.

ESCAS was introduced in 2011 by the Gillard government, following the suspension of the live cattle trade to Indonesia. It took the exposure of horrific cruelty in Indonesian abattoirs on the ABC Four Corners program, 'A Bloody Business', to make the government acknowledge through legislation that exporters must take responsibility for the treatment of Australian animals in overseas markets. The bill that should have been introduced is one that would have ended the live export trade, but instead we got ESCAS—a half measure designed to make out that live export cruelty can be eliminated. But how can you rule on cruelty to Australian live exports from behind a desk in Canberra? It was Lyn White who took the courageous action to shoot the footage that the ABC Four Corners program used. I congratulate Lyn White,
Animals Australia and RSPCA Australia for bringing this matter to the attention of the public and the parliament.

Thousands of Australian cattle were suffering terribly in Indonesian abattoirs. The suspension of trade resulting from Lyn White's revelations stopped further animals being sent to the same fate. Deputy Prime Minister Barnaby Joyce and others in this parliament habitually condemn the animal welfare movement for their work to stop this appalling cruelty. The question Mr Joyce should be asking is why this situation was allowed to develop in the first place. Why were animal welfare advocates forced to go to extreme efforts to expose such appalling practices rather than achieve change through more established channels of communication? The answer is that government processes do not allow independent animal welfare advice, and when such advice was presented to them the government responded by relying on the advice from the live export industry itself—that nothing could be done quickly to address the problems. If there was one abiding lesson to be learnt from the live export tragedy that was exposed in 2011, it is that good decision making in government depends on broad consultation and an independent voice.

Earlier this month a book was published which examines in depth the events surrounding the 2011 suspension. Backlash: Australia's conflict of values over live exports by Dr Bidda Jones and Julian Davies perceptively analyses the history of the live trade and its ongoing failure. The book is incisive in its portrayal of the continuing loss of broad advice to government since 2011. Soon after the Liberal-National government gained office, and while mouthing its concern for animal welfare, it systematically shut down the various committees that provided perspective on animal welfare policy, claiming that the Department of Agriculture would play that role. With brazen speed it then shut down the very section of the Department of Agriculture that advised on these matters. The initial decision to close its advisory bodies was not justifiable on cost-saving grounds, as most of the experts on these panels provided their services gratis and incidental costs were minor. These decisions have left the federal government with no considered, researched advice on animal welfare issues.

The extraordinary irony here is that many of these committees and working groups were actually set up under the Howard government's Australian Animal Welfare Strategy. The connection between trade success and animal welfare reputation was recognised by that previous coalition government. However, that understanding was aggressively thrown aside by the Abbott government and continues to be something Prime Minister Turnbull has done nothing to correct.

There is another issue here. The Department of Agriculture has intrinsic difficulty in considering ethical issues because of its conflicting role of promoting successful agricultural trade while supposedly looking after animal welfare. While attempting to remain impartial, our bureaucrats are heavily lobbied by the industry and are hostage to a political process that places an absolute premium on economic income without demanding that this income is derived through ethical practices. Unlike some comparable countries, Australia has no independent body to oversee and reconcile competing interests within the department's responsibilities.

The establishment of such an overseeing body, such as the Greens' proposed independent office of animal welfare, is clearly needed. The Greens bill for such an office was introduced
last year, and is awaiting the support of the Liberals and Nationals and Labor. Surely that body should be set up?

The urgent need for balanced advice is underlined by the continuing failings of the trade and of ESCAS itself. Despite the improvements it offered, the ESCAS is a structurally flawed system. Apart from the intrinsic issues with attempting to regulate trade in sovereign countries where Australia has no jurisdiction, there are numerous other problems. ESCAS uses World Organisation for Animal Health requirements for handling and slaughter. These standards are far lower than those in Australia. This is a supply chain with endemic leakage inspected by auditors that are selected, employed and paid for by the exporters, and with no direct government oversight or inspection. It clearly is not working; I would say it cannot work.

ESCAS allows the government to shield itself from direct engagement with or knowledge of actual practice. Instead of repeatedly blaming the animal welfare movement for exposing the failure, what is the industry's responsibility to ensure exported animals are treated humanely? Those in this place who support the live export trade should be doing their utmost to listen to the growing concerns and ensure that history does not repeat itself with more live export scandals.

On another matter, Australia has the worst mammal extinction rate in the world. Thirty native mammals have become extinct since European settlement. These are shocking figures, absolutely shameful. One out of three mammal extinctions in the last 400 years has occurred in Australia—one in three—and I am very worried that we could be on the cusp of that figure increasing. I am extremely concerned that many more marsupial species could face extinction.

It is time to carefully assess what is happening to kangaroo, wallaby and wallaroo species. Government raw survey data shows that wide landscapes are now significantly depleted of kangaroos. For example, the 2010 New South Wales western zone survey data showed red kangaroos absent from 56 per cent of their former range and grey kangaroos from absent from 69 per cent of their historical ranges. Now people say to me, and one of them is Senator Barry O'Sullivan, who I have debated on this issue, that there are in fact thousands of roos. Senator O'Sullivan tells me about places in Queensland where they can be found in huge numbers along roads and around waterholes.

Senator O'Sullivan interjecting—

Senator RHIANNON: I acknowledge the interjection; thank you very much for coming in on cue. The findings, the people who see these—I am not disputing these large numbers; I hear about them from different quarters. But that does not negate that some macropod—macropods are your kangaroos, wallabies et cetera—populations could be on the verge of collapse. They often congregate in areas when they are under extreme stress; these are the areas where they can find food and they can find water. We need to recognise the fact that the despite their large numbers in certain parts of country Australia it does not mean that these animals are not under threat. I am so worried because the shooting quotas at 15 to 20 per cent of population estimates exceed population growth rates.

I did want to share some details of the hard work of the people and the legislators of California, who in many ways are ahead of Australia—they are certainly ahead of Australian legislators—because they are recognising the threat to our kangaroos. This is an issue that has had a long history in California. Back in 1971 California banned the importation of kangaroo
products. Three commercially shot kangaroo species were listed as threatened in the US Endangered Species Act in 1974. The US Fish and Wildlife Service banned the importation of those species in the same year—after the Australian government itself banned the export of kangaroo products in 1973, following evidence of serious decline in kangaroos. It was recognised in 1973 that a decline was on, so what has changed?

What has changed is that the kangaroo industry has kicked in big time—unfortunately, with very solid support, particularly from the federal government.

Fast forward to 2007, and the Californian prohibition on the sale of kangaroo products was overturned after a coalition of the Kangaroo Industry Association of Australia, Adidas and the Australian government, with Californian based legislative consultants, convinced Californian law-makers that the shooting of millions of kangaroos per year is environmentally and humbly justifiable. Adidas contributed significant amounts of time and money in guiding this legislative change—that is, overturning the protection. Interestingly, there was still an uncertainty as to whether this was the right thing to do. The legislation was not locked in forever; it had to be reviewed. In 2007, enabling legislation was enacted with a three-year sunset clause which expired in 2010.

The good news is that more and more people understand that our kangaroo species are under threat and that some species could be lost. But at the same time, we have a very serious problem in this country—that is, that the kangaroo industry, supported by government, are continuing to push for the industry to expand overseas, particularly into the Asian market. However, they have now failed in California. Their attempt to repeal the Californian ban on the trade in kangaroo skins and kangaroo meat has failed. If Californians have taken action to protect kangaroos, surely it is time that we reassess the legalised mass slaughter of Australia' native wildlife.

Lyme Disease

Senator MADIGAN (Victoria) (23:56): We have had three recent Nobel Prizes in medicine, we have the medical technology to rank No. 1, we have the economic strength to do it, and our surgeons are respected throughout the world. So, what is holding us back?

Imagine for a moment, you contract Lyme disease. If you are in the Hudson Valley in New York or near the Mayo Clinic in Minnesota or the Porton Down in the UK, you are going to be fine. They are going to diagnose it quickly, treat you with science and monitor your recovery with technology. While it is not going to be fun, you are going to get better. What if you are far from one of these centres of excellence? You have reason to be concerned. In basically any city in Bavaria or Germany, you are going to get treated correctly. In a hundred other cities—Oslo, Norway, for example—you are going to get diagnosed and treated correctly for chronic Lyme disease. It simply is not an issue or a debate for them. The priority is getting their people better in any way they can.

But what if you are at home, here in Australia? If you contract this disease today, in Australia, where we have eight Nobel prizes in medicine—including one for discoveries concerning cellular immune defence—there are three reasons you will not get the proper standard of care and treatment. One is inadequate testing. Our leading medical facilities are more likely to find a rare genetic disorder than Lyme. Because we use draconian and inferior
diagnostic tests, many people do not even know they have the disease, in spite of clear clinical symptoms. There are very few other standard serological tests that have as poor sensitivity and rates of false negatives as those our current system uses for Lyme diagnosis.

Another reason is redundant treatment guidelines and restrictions by the Australian Health Practitioner Regulation Agency, AHPRA. There is a new and growing body of evidence highlighting that short-term antibiotics do not work in a large percentage of Lyme cases—people are still sick after these short courses. Furthermore, persisters Borellia, Babesia and Bartonella do, in fact, exist. The issue is Lyme and the co-infections' resistance to certain short-term standard antibiotic regimes that use monotherapies and are not pulsed. New research coming out of John Hopkins University shows how various combinations of different antibiotics long-term are able to eradicate biofilm, a kind of umbrella that protects the most dangerous bacteria related to this disease. Interestingly, that researcher, Ying Zhang, did a lot of work on TB, and his research now forms part of the guidelines for TB treatment, which we now know needs long-term multi-antibiotic regimes—at least six to eight months.

Previously in the case of Lyme, standard antibiotics were not penetrating biofilm. This is one reason why people stay sick. Now, as different combinations of antibiotics are showing effectiveness, we have new treatments—and biofilm protects against harmful bacteria associated with Lyme disease. These disease factors are widely accepted and understood throughout every medical institution in the world and are extremely relevant to why we need to treat chronic Lyme disease with prolonged, multi-antibiotic and integrated medical regimes. It is unfortunate that in Australia we selectively ignore this widely accepted point of view—instead applying our own made-up ideas or, worse, none at all.

Lyme can imitate many other infections. This can lead to the wrong diagnosis and poor treatment. Every day, GPs in Australia simply do not consider Lyme or co-infections in their differential diagnosis. There is no adequate referral system here as there is, for example, in the UK, Germany or Norway. There is no formal continuing professional development education program such as the Lyme e-learning platform of the UK Royal College of Physicians. There is no insurance or coverage on Medicare for treatment as there is in the US and Germany. Lyme is tough to fight in Australia, it seems.

I have spoken to many hundreds of people in this country who are suffering with Lyme. These people are medical refugees in their own country. They are sick and getting sicker. They have difficulty in getting treatment. A number of these people—brave people fighting this debilitating illness—made the trip to Parliament House today to attend the launch of the Parliamentary friends group for those suffering from Lyme disease and Lyme-like symptoms.

It was an extraordinary meeting. Sydney doctor Richard Schloeffel compared Lyme in Australia today to the early instances of AIDS in this country. Lyme is unrecognised, it is spreading quickly and the medical profession is behind the eight ball, Dr Schloeffel told us. Mainly because of bodies like the Australian Medical Board and the Australian Health Practitioner Regulation Agency, we are not even chasing the Lyme target. Despite their denials, these two organisations are identifying doctors who are treating Lyme and making conditions so difficult for them that many are being forced to give up their practice.

People are dying in Australia from Lyme disease, from its symptoms and consequences—and from suicide. Recently I attended a funeral in Queensland for a young man who took his own life. One of his final acts was to make a submission to the Senate inquiry into Lyme...
disease and Lyme-like illnesses. He did this, drove to a park away from friends and family, and then hung himself because of the hopelessness of his situation. Families are being brought to the edge of bankruptcy because they are being forced to seek out high-costing treatment overseas in an effort to help their loved ones. Go to the Senate inquiry home page. Read the submissions and wonder, as I do, how can this be happening in Australia in the 21st century. The young Queensland man's suicide was the third I have heard of in recent months in relation to this disease—and this disease is treatable.

Here we have a condition that is relatively easy to get—through no fault of your own or negligence. It is not like smoking, heart disease or obesity. You can get it from ticks and other insects, even from bedbugs. It can send you on a downward spiral of increasing debilitation—and it is treatable. But it cannot be treated in Australia until it is accepted by our medical community. Once Lyme is accepted, it can be diagnosed. Once it is diagnosed, it can be treated. Right now, none of these things are being done in this country, except by a small handful of doctors.

Chronic Lyme and co-infections can be diagnosed and treated. It is not the character of this nation to sit idle and let problems continue uninterrupted. When we see real problems and suffering, Australia does not shrug its shoulders. We rally, we stand together and we do right thing even when it is the difficult thing. We definitely do not allow ourselves to let an overwhelming number of people—thousands and thousands of people in this country—continue to suffer.

This is not a made-up illness. If you are looking for proof, leading Lyme researchers like Dr Richard Schloeffel in Sydney can offer you the science to disprove any opposition to any aspect of this disease. I have personally looked into this from both sides and I have kept an open mind. When I have followed the line of logic from the naysayers, things just do not stack up. What is consistent in my experience is the opposition to this disease by those with the same dogmatic attitude. I think they might be fused with a belief system that is no longer relevant to medicine in 2016, but what worries me more is they are not open to talking about it. I want to hear the arguments. I want to understand them. But very few of these doctors want to openly debate.

I am talking about the doctors that say things like 'Lyme isn't a real disease' or 'it's all in their heads.' They are quite happy to say these things, to throw them defensively out into the atmosphere, but then do very little to back it up, and that is a shame because they are most likely to be the talented doctors who could contribute to helping people. That is where it goes wrong. It is as if the debate, the denial and the anger take over from what is really happening and what we should really be doing about it. We have a very large percentage of our population all presenting with similar symptoms and who are all chronically ill, but we are doing nothing—nothing—about it.

This raises the question: what is the right thing to do? New and advanced treatment protocols are available today with a select number of medical institutions, some of which I have mentioned previously, leading the way. We have to get these into the hands of GPs and we have to allow our GPs to treat appropriately in regards to chronic Lyme just like they do in the Hudson Valley in New York. We have to accept and acknowledge the disease. We have to announce to our medical community that 'drink a lot of fluids' and 'it's all in your head' are no longer acceptable advice to those who are suffering.
This is important because bacteria from Lyme can linger for months undetected and return unmonitored to attack the central nervous system and the brain. Lyme affects how people think and act; so, yes, maybe the naysayers are technically correct: it is in their heads because *Borrelia* lives in brain tissue. It is important that when we think of Lyme disease we do not underestimate the co-infections involved, taking in the full immune compromised state most patients suffer with.

This is an extremely complex disease that floors each individual. Which individuals? Authors like Amy Tan, who wrote *The Joy Luck Club*; models like Christy Turlington; singers like Avril Lavigne; and actors like Alec Baldwin, Ashley Olsen and Richard Gere. The list goes on. And we are in parliament, so let's not forget George Bush had Lyme and was treated in Washington by the top Lyme-literate doctors there. Closer to home? How about Australian Tennis Pro Sam Stosur, who chose to get treated with prolonged IV antibiotics not in her home country but in the United States.

Lyme disease is not only transmitted by ticks and other insects. It can be transmitted by sexual contact or through the womb or a blood transfusion. So, again, what is the right thing to do? First, join the fight to have Lyme disease recognised in Australia. Today I presented a change.org petition on this very subject to the office of Minister for Health Sussan Ley. It has more than 41,000 signatories. Australians are waking up to the Lyme epidemic. Australians are saying, 'Not on our watch. We don't let our people suffer in this country if we can prevent it.'

Second, doctors and patients have to be free to choose the treatment they think is appropriate based on the precedent of overseas successes. When people are sick and need the right treatment, we need to step away from the litigious, defensive mode of medical care and move to a standard open form of care. We need prolonged treatment for Lyme patients, monitored by doctors with reports on patient progress. As the medical innovation bill in the UK announces: 'We need greater clarity and certainty to patients and doctors at the point of treatment, and not force them to wait for the unpredictable outcome of possible litigation.' If we continue down this road of 'litigious pursuit of those trying to help' it is bad for GPs, it is bad for AHPRA and it is bad for Australia—but most of all it is bad for patients.

Third, we need more research and education. We need more research on ticks and the unique strains to Australia and a national education campaign warning the population of the dangers.

In conclusion, our medical system has a huge gap in it and we are behind the rest of the world by years. This puts our citizens, friends and family at risk and causes some to suffer needlessly. We have a treatable disease here which has been overlooked by the bureaucracy. Collectively, we can change this. Is there a calculus of human life such that one person should receive medicine while another shall not; that one condition should receive research dollars and another shall go wanting? We need a national Lyme treatment program in place as a matter of urgency.

*Senate adjourned at 00:12 (Wednesday)*
The following documents were tabled by the Clerk pursuant to statute:

[Legislative instruments are identified by a Federal Register of Legislation (FRL) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]


Australian Research Council Act 2001—Funding Rules for schemes under the Discovery Programme 2016—Future Fellowships [F2016L00225].

Broadcasting Services Act 1992—Broadcasting Services (Events) Notice (No. 1) 2010—

- Amendment No. 1 of 2016 [F2016L00223].
- Amendment No. 2 of 2016 [F2016L00224].
- Amendment No. 3 of 2016 [F2016L00230].

Civil Aviation Act 1988—

Civil Aviation Regulations 1988 and Civil Aviation Safety Regulations 1998—Authorisation, permission and exemption—helicopter winching operations (Esso Australia)—CASA 20/16 [F2016L00232].

Civil Aviation Safety Regulations 1998—

- Exemption—aircraft operating without carriage of Mode S transponder equipment (Balloon Flights Over Melbourne)—CASA EX39/16 [F2016L00286].
- Exemption—aircraft operating without carriage of Mode S transponder equipment (Global Ballooning Australia)—CASA EX37/16 [F2016L00282].
- Exemption—aircraft operating without carriage of Mode S transponder equipment (Goldrush Ballooning)—CASA EX36/16 [F2016L00271].
- Exemption—aircraft operating without carriage of Mode S transponder equipment (Picture This Ballooning)—CASA EX38/16 [F2016L00284].
- Exemption—from life jacket standard (Jayrow Helicopters)—CASA EX30/16 [F2016L00275].
- Exemption—from life jacket standard (Rotor-Lift Aviation)—CASA EX31/16 [F2016L00272].
- Exemption—instrument proficiency check for single-pilot turbojet aeroplane type rating—CASA EX41/16 [F2016L00290].
- Exemption—use of radiocommunication systems in firefighting operations (New South Wales Rural Fire Service)—CASA EX40/16 [F2016L00228].
- Repeal of Airworthiness Directive—CASA ADCX 003/16 [F2016L00279].

Corporations Act 2001—


Defence Act 1903—
Section 58B—
Hardship allowance—amendment—Defence Determination 2016/5.
Recruit instructors—amendment—Defence Determination 2016/11.
Woomera Prohibited Area Rule 2014—Determination of Exclusion Periods for Amber Zone 1 and Amber Zone 2 for Financial Year 2015-2016 Amendment No. 4 [F2016L00281].

Export Control Act 1982—
Export Control (Japan-Australia Economic Partnership Agreement Tariff Rate Quotas) Order 2016 [F2016L00283].
Export Control (Orders) Regulations 1982—Export Control (Fees) Amendment (Tariff Rate Quotas) Order 2016 [F2016L00238].
Judiciary Act 1903—Legal Services Amendment (Removal of External Legal Service Provider Reporting Requirements) Direction 2016 [F2016L00287].
Private Health Insurance Act 2007—Private Health Insurance (Prostheses) Rules 2016 (No. 1) [F2016L00268].
Taxation Administration Act 1953—PAYG Withholding Variation: Company Directors and Office Holders [F2016L00222].

Telecommunications (Carrier Licence Charges) Act 1997—
  Determination under paragraph 15(1)(b) No. 1 of 2016 [F2016L00289].
  Determination under paragraph 15(1)(d) No. 1 of 2016 [F2016L00237].

Veterans’ Entitlements Act 1986—
  Amendment Statement of Principles concerning acute lymphoblastic leukaemia—No. 37 of 2016 [F2016L00263].
  Amendment Statement of Principles concerning acute myeloid leukaemia (Balance of Probabilities)—No. 34 of 2016 [F2016L00251].
  Amendment Statement of Principles concerning acute myeloid leukaemia (Reasonable Hypothesis)—No. 33 of 2016 [F2016L00250].
  Amendment Statement of Principles concerning aplastic anaemia—
    No. 31 of 2016 [F2016L00260].
    No. 32 of 2016 [F2016L00267].
  Amendment Statement of Principles concerning chronic lymphocytic leukaemia/small lymphocytic lymphoma—No. 38 of 2016 [F2016L00273].
  Amendment Statement of Principles concerning depressive disorder (Balance of Probabilities)—No. 30 of 2016 [F2016L00258].
  Amendment Statement of Principles concerning depressive disorder (Reasonable Hypothesis)—No. 29 of 2016 [F2016L00257].
  Amendment Statement of Principles concerning diabetes mellitus—
    No. 27 of 2016 [F2016L00276].
    No. 28 of 2016 [F2016L00278].
  Amendment Statement of Principles concerning myelodysplastic syndrome (Balance of Probabilities)—No. 36 of 2016 [F2016L00253].
  Amendment Statement of Principles concerning myelodysplastic syndrome (Reasonable Hypothesis)—No. 35 of 2016 [F2016L00252].
  Amendment Statement of Principles concerning myeloma—No. 39 of 2016 [F2016L00277].
  Statement of Principles concerning adjustment disorder (Balance of Probabilities)—No. 24 of 2016 [F2016L00270].
  Statement of Principles concerning adjustment disorder (Reasonable Hypothesis)—No. 23 of 2016 [F2016L00269].
  Statement of Principles concerning benign prostatic hyperplasia (Balance of Probabilities)—No. 18 of 2016 [F2016L00242].
  Statement of Principles concerning benign prostatic hyperplasia (Reasonable Hypothesis)—No. 17 of 2016 [F2016L00240].
  Statement of Principles concerning diverticular disease of the colon (Balance of Probabilities)—No. 16 of 2016 [F2016L00266].
  Statement of Principles concerning diverticular disease of the colon (Reasonable Hypothesis)—No. 15 of 2016 [F2016L00265].
Statement of Principles concerning eating disorder (Balance of Probabilities)—No. 14 of 2016 [F2016L00264].
Statement of Principles concerning eating disorder (Reasonable Hypothesis)—No. 13 of 2016 [F2016L00261].
Statement of Principles concerning Lyme disease (Balance of Probabilities)—No. 26 of 2016 [F2016L00255].
Statement of Principles concerning Lyme disease (Reasonable Hypothesis)—No. 25 of 2016 [F2016L00254].
Statement of Principles concerning malignant neoplasm of the endometrium (Balance of Probabilities)—No. 12 of 2016 [F2016L00244].
Statement of Principles concerning malignant neoplasm of the endometrium (Reasonable Hypothesis)—No. 11 of 2016 [F2016L00243].
Statement of Principles concerning myopia, hypermetropia and astigmatism (Balance of Probabilities)—No. 10 of 2016 [F2016L00246].
Statement of Principles concerning myopia, hypermetropia and astigmatism (Reasonable Hypothesis)—No. 9 of 2016 [F2016L00245].
Statement of Principles concerning non-melanotic malignant neoplasm of the skin (Balance of Probabilities)—No. 8 of 2016 [F2016L00241].
Statement of Principles concerning non-melanotic malignant neoplasm of the skin (Reasonable Hypothesis)—No. 7 of 2016 [F2016L00239].
Statement of Principles concerning polymyalgia rheumatica (Balance of Probabilities)—No. 20 of 2016 [F2016L00259].
Statement of Principles concerning polymyalgia rheumatica (Reasonable Hypothesis)—No. 19 of 2016 [F2016L00249].
Statement of Principles concerning systemic lupus erythematosus (Balance of Probabilities)—No. 22 of 2016 [F2016L00274].
Statement of Principles concerning systemic lupus erythematosus (Reasonable Hypothesis)—No. 21 of 2016 [F2016L00262].
Veterans’ Vocational Rehabilitation Scheme Amendment Instrument 2016—2016 No. R5 [F2016L00248].

Tabling

The following documents were tabled pursuant to standing order 61(1) (b):

[Documents presented since the last sitting of the Senate, pursuant to standing order 166, were authorised for publication on the dates indicated]

Auditor-General—Audit reports for 2015-16—
No. 25—Performance audit—Delivery and evaluation of grant programmes: Department of Industry, Innovation and Science; Department of Infrastructure and Regional Development; Department of Social Services.
No. 26—Performance audit—Defence's management of the Mulwala propellant facility: Department of Defence.


Economics References Committee—Housing affordability—Implementation of recommendations—Letter to the President of the Senate from the Minister for Social Services (Mr Porter), dated 3 March 2016, responding to the resolution of the Senate of 2 February 2016.

Entity contracts for 2015—Letters of advice pursuant to the order of the Senate of 20 June 2001, as amended—

Agriculture and Water Resources portfolio. [Received 4 March 2016]
Environment portfolio. [Received 10 March 2016]
Social Services portfolio. [Received 4 March 2016]

Family and community services—International Day of People with Disability—Letter to the President of the Senate from the Western Australian Minister for Disability Services (Mrs Morton), dated 9 March 2016, responding to the resolution of the Senate of 2 February 2016.


Indexed lists of departmental and agency files for the period 1 July to 31 December 2015—Statements of compliance pursuant to the order of the Senate of 30 May 1996, as amended—

Department of Human Services. [Received 10 March 2016]
Foreign Affairs and Trade portfolio. [Received 4 March 2016]
Social Services portfolio. [Received 10 March 2016]


Regional Australia—Western Australia—Bushfires—Letter to the President of the Senate from the Premier of Western Australia (Mr Barnett), dated 2 March 2016, responding to the resolution of the Senate of 3 February 2016.

Treaty—Multilateral—Australia’s Accession to the Convention on Choice of Court Agreements (The Hague, 30 June 2005)—Text, together with national interest analysis.


Tabling

DOCUMENTS PRESENTED OUT OF SITTING SINCE 3 MARCH 2016

Statements of compliance with Senate orders (pursuant to Senate standing order 166)

Indexed lists of departmental and agency files (continuing order of the Senate of 30 May 1996, as amended)

Department of Human Services. [Received 10 March 2016]
Foreign Affairs and Trade portfolio. [Received 4 March 2016]
Social Services portfolio. [Received 10 March 2016]

Lists of entity contracts (continuing order of the Senate of 20 June 2001, as amended)

Agriculture and Water portfolio. [Received 4 March 2016]
Environment portfolio. [Received 10 March 2016]
Social Services portfolio. [Received 4 March 2016]

COMMITTEE REPORTS AND GOVERNMENT RESPONSES TO PARLIAMENTARY COMMITTEE

REPORTS PRESENTED OUT OF SITTING SINCE 3 MARCH 2016
[reports will be recorded in the Journals of the Senate]

Committee reports pursuant to Selection of Bills Committee reports—not available for consideration (pursuant to Senate standing order 38 (7))

Community Affairs Legislation Committee—Social Services Legislation Amendment (Miscellaneous Measures) Bill 2015 [Provisions]—Report, dated March 2016 and submissions. [Received 10 March 2016]


Rural and Regional Affairs and Transport Legislation Committee—Water Amendment (Review Implementation and Other Measures) Bill 2015 [Provisions]—Report, dated March 2016 and submissions. [Received 10 March 2016]


Committee reports
[reports and responses will be recorded in the Journals of the Senate and available for consideration under standing order 62(4)]

Economics Reference Committee—Agribusiness managed investment schemes: Bitter harvest—Hansard record of proceedings, additional information and submissions. [Received 11 March 2016]