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SITTING DAYS—2016

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FORTY-FIFTH PARLIAMENT
FIRST SESSION—FIRST 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 Susan Lines
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. Don Farrell
Manager of Government Business in the Senate—Senator Hon. Mitchell Peter Fifield
Manager of Opposition Business in the Senate—Senator Katy Gallagher

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. Don Farrell
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 Elizabeth Urquhart
Deputy Opposition Whips—Senators Catryna Louise Bilyk and Jennifer McAllister
Australian Greens Whip—Senator Rachel Siewert

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

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</table>

(1) Chosen by the Parliament of Victoria to fill a casual vacancy (vice S Conroy), pursuant to section 15 of the Constitution.

(2) Vacancy created by the resignation of Senator Bob Day on 01 November 2016.

**PARTY ABBREVIATIONS**

AG—Australian Greens; ALP—Australian Labor Party;  
CLP—Country Liberal Party; DHJP—Derryn Hinch's Justice Party; FFP—Family First Party;  
IND—Independent; JLN—Jacqui Lambie Network; LDP—Liberal Democratic Party;  
LNP—Liberal National Party; LP—Liberal Party of Australia;  
NATS—The Nationals; NXT—Nick Xenophon Team; PHON—Pauline Hanson's One Nation

**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>
<td><strong>Prime Minister</strong></td>
<td>Hon Malcolm Turnbull MP</td>
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<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 Service</strong></td>
<td>Senator the Hon Michaelia Cash</td>
</tr>
<tr>
<td><strong>Minister Assisting the Prime Minister for Counter-Terrorism</strong></td>
<td>Hon Michael Keenan MP</td>
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<tr>
<td><strong>Minister Assisting the Cabinet Secretary</strong></td>
<td>Senator the Hon Scott Ryan</td>
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<tr>
<td><strong>Minister Assisting the Prime Minister for Cyber Security</strong></td>
<td>Hon Dan Tehan MP</td>
</tr>
<tr>
<td><strong>Assistant Minister to the Prime Minister</strong></td>
<td>Senator the Hon James McGrath</td>
</tr>
<tr>
<td><strong>Assistant Minister for Cities and Digital Transformation</strong></td>
<td>Hon Angus Taylor MP</td>
</tr>
<tr>
<td><strong>Deputy Prime Minister and Minister for Agriculture and Water Resources</strong></td>
<td>Hon Barnaby Joyce MP</td>
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<tr>
<td><strong>Assistant Minister for Agriculture and Water Resources</strong></td>
<td>Senator the Hon Anne Ruston</td>
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<tr>
<td><strong>Assistant Minister to the Deputy Prime Minister</strong></td>
<td>Hon Luke Hartsuyker MP</td>
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<tr>
<td><strong>Minister for Foreign Affairs</strong></td>
<td>Hon Julie Bishop MP</td>
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<tr>
<td><strong>Minister for Trade, Tourism and Investment</strong></td>
<td>Hon Steve Ciobo MP</td>
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<tr>
<td><strong>Minister for International Development and the Pacific</strong></td>
<td>Senator the Hon Concetta Fierravanti-Wells</td>
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<td><strong>Assistant Minister for Trade, Tourism and Investment</strong></td>
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<td><strong>Attorney-General</strong></td>
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<tr>
<td>(Vice-President of the Executive Council)</td>
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<td><strong>Minister for Justice</strong></td>
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<tr>
<td><strong>Treasurer</strong></td>
<td>Hon Scott Morrison MP</td>
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<tr>
<td><strong>Minister for Revenue and Financial Services</strong></td>
<td>Hon Kelly O'Dwyer MP</td>
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<td><strong>Minister for Small Business</strong></td>
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<td><strong>Minister for Finance</strong></td>
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<td><strong>Special Minister of State</strong></td>
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<td><strong>Minister for Regional Development</strong></td>
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<td><strong>Minister for Local Government and Territories</strong></td>
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<td><em>Minister Assisting the Prime Minister for the Centenary of ANZAC</em></td>
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<td>Hon Dan Tehan MP</td>
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<td><strong>Hon Greg Hunt MP</strong></td>
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<td><strong>Hon Sussan Ley MP</strong></td>
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<tr>
<td><strong>Minister for Sport</strong></td>
<td><strong>Hon Sussan Ley MP</strong></td>
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<tr>
<td><em>Assistant Minister for Health and Aged Care</em></td>
<td><em>Hon Ken Wyatt AM MP</em></td>
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<tr>
<td><em>Assistant Minister for Rural Health</em></td>
<td><em>Hon Dr David Gillespie MP</em></td>
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<td><em>Hon Karen Andrews MP</em></td>
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<td><strong>Minister for the Environment and Energy</strong></td>
<td><strong>Hon Josh Frydenberg MP</strong></td>
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<td>Shadow Minister for Education</td>
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<td>Leader of the Opposition in the Senate</td>
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Each box represents a portfolio except for (1) which is in the Education portfolio, (2) which is in Treasury portfolio and (3) which is in the Health portfolio. **Shadow Cabinet Ministers are shown in bold type.**
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Monday, 7 November 2016

The PRESIDENT (Senator the Hon. Stephen Parry) took the chair at 10:00, 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:

Community Affairs References Committee—public meeting during the sitting of the Senate on Tuesday, 8 November 2016, from 4.30 pm, to take evidence for the committee's inquiry into indefinite detention of people with cognitive and psychiatric impairment.

Environment and Communications References Committee—private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 1.50 pm, for the committee's inquiry into closures of electricity generators and into oil or gas production in the Great Australian Bight.

Finance and Public Administration References Committee—private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 3 pm, for the committee's inquiry into domestic violence and gender inequality.

Legal and Constitutional Affairs Legislation Committee—private meetings otherwise than in accordance with standing order 33(1) during the sitting of the Senate, from 1.30 pm, today and on Tuesday, 8 November 2016.

Legal and Constitutional Affairs References Committee—private meetings otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 3.10 pm, and on Tuesday, 8 November 2016, from 1.30 pm.

Rural and Regional Affairs and Transport References Committee—

Private briefing on Tuesday, 8 November 2016, from 3.15 pm, during the sitting of the Senate, for the committee's inquiry into the use of Flag of Convenience shipping in Australia.

Public meeting on Thursday, 10 November 2016, from 4 pm, during the sitting of the Senate, to take evidence for the committee's inquiry into aspects of road safety in Australia.

The PRESIDENT: Does any senator wish to have the question put on any of those motions? As there are none, we will proceed.

PARLIAMENTARY REPRESENTATION

Victoria

The PRESIDENT (10:02): 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 Kimberley Kitching to fill the vacancy caused by the resignation of Senator Conroy. I table that document.

**Senators Sworn**

Senator Kimberley Kitching made and subscribed the oath of allegiance.

**South Australia**

**The PRESIDENT** (10:06): I inform the Senate that I have received a letter from Senator Day resigning his place as a senator for the state of South Australia and I table that letter.

After the resignation of Senator Day, I notified the Governor of South Australia of the vacancy in the representation of that state. I indicated I was not in a position to advise His Excellency that it was a vacancy to which section 15 of the Constitution applied and that I would need to put the matter before the Senate. I table a copy of my letter to the Governor of South Australia and his response.

**Qualifications of Senators**

**The PRESIDENT** (10:07): Senators will no doubt be aware that two matters regarding the qualifications of senators have been brought to my attention in recent days, one relating to Senator Culleton and the other concerning former Senator Day. I now table information received from the Leader of the Government in the Senate and the Attorney-General, Senator Brandis, and from Senator Culleton about the first matter. I also table information received from the Special Minister of State, Senator Ryan, and former Senator Day about the second matter.

**Senator BRANDIS** (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (10:07): by leave—As honourable senators are aware, the government proposes to move referrals to the Court of Disputed Returns in relation to both the qualifications of Senator Culleton and the vacancy created by the resignation of Mr Day. The ordinary time to do that would be now but, given the volume of material that has been tabled and following informal discussions between myself and Senator Wong, of which the crossbench have also been apprised, we propose to seek leave of the Senate to move those motions sequentially at 12.30. The motion concerning Mr Day’s vacancy will be moved first by Senator Ryan. Upon that motion being disposed of, I will move the motion in relation to Senator Culleton.

**Senator WONG** (South Australia—Leader of the Opposition in the Senate) (10:08): by leave—I indicate the opposition’s broad agreement with the approach taken by the government. We think it is reasonable, given the documents that you have just tabled, Mr President, for senators who may only have been reading about these matters in the press to be able, should they wish, to appraise the documents which have been tabled prior to the motions being discussed. I thank the government for taking up that suggestion, and we indicate our agreement to proceeding with the debate at 12.30.

**The PRESIDENT**: I thank the Leader of the Government in the Senate and the Leader of the Opposition for that information. I assume that leave will be sought later in the day to facilitate that.
BILLs

Plebiscite (Same-Sex Marriage) Bill 2016

First Reading

Bill received from the House of Representatives.

Senator Ryan (Victoria—Special Minister of State and Minister Assisting the Cabinet Secretary) (10:09): I 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 Ryan (Victoria—Special Minister of State and Minister Assisting the Cabinet Secretary) (10:10): I move:

That this bill be now read a second time.

Given my extensive involvement in the Plebiscite (Same-Sex Marriage) Bill 2016, I plan to speak to it. When the Prime Minister introduced this bill into the other place, he noted that marriage is a much cherished institution in our society. It is an institution afforded significant respect and, at the same time, an institution about which many people hold different views. I know many people who strongly believe that access to marriage should be open to all adult couples in our community regardless of their sexual preference or gender. I know many others who believe equally strongly that marriage should only be entered into between a man and a woman. Indeed, there are many in this chamber who, at one time or another, have held to both of these views in the last several years. So it should come as no surprise to us that same-sex marriage is a matter of widespread public interest, with deeply held views on both sides of the debate. People on both sides of the debate have a right to express their views.

Accordingly, at the last election the coalition committed to holding a plebiscite so that all Australians could have their say and resolve this issue for themselves. This is the first occasion on which any Australian government has had the courage to address this complex issue. Indeed, Labor made no effort to resolve this issue during their six years in government. In returning the coalition to government this year, Australians endorsed the government’s plan to hold a plebiscite. With this bill, we are honouring our commitment to voters to hold a plebiscite as soon as is practicable.

I now turn to the specifics of the bill. As Special Minister of State, I have worked with the Attorney-General to develop a plebiscite framework that is fair and transparent. The Plebiscite (Same-Sex Marriage) Bill is the result of consultation with stakeholders on both sides of the debate. The bill sets out a framework for a national plebiscite to ask the Australian people whether the Marriage Act 1961 should be amended to allow same-sex couples to marry.

The bill authorises and provides funding for the Australian Electoral Commission to conduct the plebiscite. This will be in the amount of $170 million. To ensure a voter experience consistent with federal referendums, the bill incorporates provisions contained in the Commonwealth Electoral Act 1918, the Referendum (Machinery Provisions) Act 1984 and other relevant Commonwealth legislation.
The provisions in the bill provide for a compulsory attendance ballot on 11 February 2017, with normal access to pre-poll voting, postal voting and declaration voting. The result of the ballot will be determined by a simple national majority. The simple majority will be achieved when either the yes or no vote receives more than 50 per cent of the votes cast, disregarding informal ballot papers. Materials will need to be authorised, as is normal in elections, and these requirements will also be expanded to include new communications mechanisms such as robocalls and SMS messaging.

'Syes' and 'no' advertising committees will be established based on the precedent of the 1999 republic referendum. These committees will be composed of parliamentarians and citizens, appointed jointly by the Attorney-General and me. Each committee will include up to five Commonwealth parliamentarians and up to five members of the public. The opposition will be invited to nominate two of the five members, and the crossbench will be invited to nominate one member. The $15 million will be divided equally between the 'yes' and 'no' advertising committees. The bill enables me, as Special Minister of State, to issue, by notifiable instrument, guidelines to the committees' advertising to ensure that there is proper accountability for the use of public funds and that advertising meets appropriate standards. Again, this is based on the precedent and practice of the 1999 republic referendum.

The bill specifies the plebiscite question: 'Should the law be changed to allow same-sex couples to marry?' It is a simple and fair question. It does not presuppose any particular view. Each side of the debate will be given reasonable opportunities to pay to broadcast material about the plebiscite. Broadcasting rules in the Broadcasting Services Act 1992 and the Special Broadcasting Service Act 1991 will be extended to apply to conduct relating to the plebiscite. This, too, is consistent with the framework for federal elections. These rules will also include a blackout period during which broadcasters will be prohibited from broadcasting advertisements about the plebiscite. If this bill is passed, and if Australians vote in support of same-sex marriage at the plebiscite, then the government will move quickly to respect the outcome and introduce into the parliament amendments to the Marriage Act. The government's bill provides the framework for a fair, transparent and democratic public vote so that all Australians can have their say and resolve this issue. It deserves the support of senators who want this issue to be resolved, including those—like me—who have changed their mind in recent years and think that it is now time to allow same-sex couples to marry.

Holding public votes to resolve contentious issues is not without precedent in Australia. The ABC's Antony Green has tallied some 35 such votes since Federation, at various levels of government. These include public votes on the payment of parliamentarians, hotel licensing, prohibition, trading hours, and religious instruction in schools. Voters in the ACT have been asked to vote on the question of self-government, and Northern Territorians have voted on statehood, while Queenslanders have voted on daylight saving. And of course, at the federal level, the very contentious and serious issue of conscription was the subject of two plebiscites. A plebiscite on the matter of same-sex marriage is consistent with this tradition. Indeed, this is perhaps an issue uniquely suited to resolution through a plebiscite. As I have said, marriage is an institution that is both held in high regard and about which many people hold different views. It plays an important and critical role in our society, as it has for thousands of years. It is an institution about which parliamentarians can claim no special knowledge or insight. Importantly, putting this issue to a vote would allow all Australians to conclusively resolve...
this issue for themselves. I have met with advocates of change who know the Irish example well. One of the architects of Ireland's yes campaign told The Australian in June that the vote in Ireland was 'an astounding and unifying moment for our country'. They also said that it 'brought people together instead of tearing them apart'. Contemporary newspaper reports at the time captured the same celebratory mood, as well as the validation and acceptance felt by many same-sex couples. I see no reason why an Australian plebiscite would be any different.

A plebiscite would deal with this matter in a uniquely conclusive way. All Australians would have the opportunity to have their say, respect the result, and move forward together. Allowing only parliamentarians to have a say in the matter will shut out many Australians who tell me that they would like the opportunity to participate directly in this debate. Of course, there may be a small minority of individuals who behave inappropriately—on any side of the debate. But as anyone involved in politics knows, this is true for debates on every contentious issue, and it is a feature of debate, regardless of whether that issue is resolved by a popular vote or a parliamentary vote. We on this side of the chamber believe these to be exceptions to the fundamental decency and civility of our fellow citizens, not the other way around.

In 2013, the now Leader of the Opposition, Mr Shorten, expressed support for a plebiscite to allow the Australian people to make their views known on the issue. He said:

… personally speaking, I'm completely relaxed about having some form of plebiscite.

He also said:

But in terms of a plebiscite, I would rather that the people of Australia could make their view clear on this, than leaving this issue to 150 people.

Now Mr Shorten has an opportunity to do just that, by backing legislation for a national vote. In 2015, Senator Di Natale, too, supported a plebiscite, and just last year Senators Rice and Xenophon sponsored legislation for a plebiscite in this place. But now the Labor Party and the Greens say that the Australian people cannot be trusted to have their say. They say debate must be shut down due to the risks that a small minority may say very hurtful things. This argument is wrong, and it sets a dangerous precedent that is becoming—unfortunately—more prevalent on the left of politics.

Firstly, it is disingenuous to think that debate over same-sex marriage will cease if there is no plebiscite. Opponents of the government's plebiscite have cited examples of intemperate debate as a reason to deny all Australians their say. Yet the same examples they use have all taken place in the absence of a legislated plebiscite. Anyone who thinks that stopping a plebiscite means stopping discourteous speech is fooling themselves. Indeed, by delaying a resolution they are only ensuring that debate continues indefinitely. In the days since Mr Shorten announced he would no longer support a plebiscite, we have seen advocates of change launch a new campaign with new advertising advancing their position. And on the other side, advocates of the status quo have thanked Mr Shorten for playing a helpful role in stopping same-sex marriage, saying:

We now have more time to continue building our campaign, more time to build our coalition, and more time to win the hearts and minds of millions of Australians.

And on the same day he announced his opposition to the plebiscite, Mr Shorten sent an email to his supporters asking for donations to support continued advocacy on the issue. Clearly,
this debate is not over. The advertisements and the arguments will continue in newspapers, on TV and online. Voting against a plebiscite does not stop this debate. It will only deny Australians the opportunity to bring a conclusive resolution to it themselves.

Secondly, Labor's argument sets a dangerous precedent, as it could logically be used to shut down any contentious debate in the future. In a free society, citizens have a right to express their views. How can we as a country resolve any controversial issue if parliamentarians can declare a topic out of bounds on the basis they do not trust their fellow citizens to have a civil conversation? If Australians cannot be trusted to discuss same-sex marriage, how will Labor and the Greens trust them to discuss other contentious issues or other issues that may be put to a referendum? As the member for Goldstein said of Mr Shorten's argument, Australians are apparently capable of deliberations to elect him to the highest political office in the country but not to discuss one of his policies. Labor's argument betrays a dim view of one's fellow citizens. Those who represent Australians in this place should not hold such a view. Rather, we ought to respect their intelligence and civility.

Finally, it must be said that I find this argument a touch hypocritical. It seeks to restrict participation in a public debate out of fear that a small minority may behave disrespectfully. Yet, in the same breath, some of those advancing this argument call those they disagree with bigots and homophobes. I do not think Labor senators were being bigots or homophobes just a few short years ago when they supported their party's position that marriage remain between a man and a woman. But I do think those in Labor who would lecture others on civility ought to demonstrate just a little bit of it themselves towards people advancing the very same position the Labor Party held when they were in government.

I conclude by reminding senators that this plebiscite gives every voting Australian a say on the question of same-sex marriage. The bill provides for a fair, transparent and thoroughly democratic way to conclusively resolve this issue so Australians can move forward together. A number of senators are on the record supporting a plebiscite to determine this matter. The bill deserves their support and the support of all senators. I commend the bill to the Senate.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (10:21): I rise to speak on the Plebiscite (Same-Sex Marriage) Bill 2016. Fourteen months ago Australians waited with bated breath. We all waited as the coalition gathered in their partyroom meeting to decide whether their members and their senators would be allowed a free vote on marriage equality. This debate, brought on by moderate Liberals, gave hope that marriage equality would finally become a reality in this country—hope that the party which prides itself on championing the freedom of the individual would finally and belatedly give expression to that principle on this issue in this parliament. But the Liberal moderates were scuttled, first by the ambush of a joint party meeting and then with the outcome of a marathon six-hour debate. What eventually emerged was the former Prime Minister Tony Abbott's latest delaying and blocking tactic: the plan to hold a plebiscite.

The outcome was met with immediate public disappointment. It was clear that the plebiscite was simply yet another hurdle, another obstacle, another delay—an obstacle designed by hardline opponents like Senators Abetz and Bernardi to make the path to marriage equality more difficult, more fraught and more contested. The Abbott-Abetz-Bernardi plebiscite was a cynical and cruel political tactic which was rightly opposed by the
Liberal moderates and by the man who is now the Prime Minister, Mr Turnbull. How times change!

Australians overwhelmingly support marriage equality. Yet now Mr Turnbull is asking them to do as opponents of that equality demand—to take a path he did not support. This Prime Minister is asking all of us to deliver on the Faustian pact he made with those who will never support equality. That he struck such an agreement against principle and against his own judgement diminishes him. That he is demanding that we deliver it disrespects all of us.

This parliamentary debate ought not to have been about process; it ought to have been about progress. LGBTIQ Australians have been fighting for social and legal equality for decades. Our fight for equality has come a long way. Only 41 years ago, consensual sexual acts between two male adults were illegal in all Australian states. In 1975, my home state of South Australia became the first to decriminalise homosexuality. The fight for decriminalisation in all Australian states continued for a further 22 years—another generation—when your state, Mr President, Tasmania, finally decriminalised homosexuality in 1997.

From those first wins, the community has continued to fight for reform to laws in states and territories across the country. Of course, at the federal level, substantial progress was made in 2008 when the Labor government amended over 80 pieces of legislation to remove discrimination against same-sex couples. This provided overdue relief from discrimination in the areas of taxation, superannuation, health insurance, social security, aged care and immigration.

But whilst our nation once led the world on social reform, today we are laggards. Spain, Canada, South Africa, Norway, Sweden, Argentina, Denmark, France, Brazil, England, Scotland, the United States and Ireland, amongst others, recognise marriage between same-sex partners.

Opponents of reform use a number of refrains to suggest that discrimination in the Marriage Act should be preserved. The immutability of marriage is a favourite argument but, as we know, whilst marriage has been around a long time, it is constantly evolving. Marriage laws have changed over time. Different classes of people have been excluded from the institution of marriage based on their social or their legal status—for example, slaves, prisoners, and women and men of different races. In Australia, many Aboriginal Australians were not allowed to marry without permission from the state—in fact, a policy that persisted into the 1950s in some parts of Australia. Today, gay and lesbian Australians are excluded from the institution. It is true that marriage is an enduring institution, but it has never been frozen in time. Earlier generations have sought greater equality, and often with each change came warnings that the institution would be irreparably damaged and that the fabric of our society would unravel. It is the case that these dire warnings were unfounded. In fact, marriage has endured precisely because it has evolved, adapted and embraced change.

Opposition to marriage equality is often expressed using the language of religion. I respect people of faith, but I do not support the proposition that the state—the secular state—should impose the theology embraced by some on all. In any event, the argument that all people of faith do not or cannot support marriage equality does not reflect reality. Speaking personally, I do not think the God of my faith would be affronted by who I am, my relationship or my family.
The change in sentiment on this issue in our community over recent years is obvious. I can see it in the changes in attitudes since I was first elected to this place; the easygoing acceptance of our neighbours; the generosity of members of the public from all walks of life, who stop me in the street or at the airport and who tell me to press on; and in the good wishes received when our daughters were born, not only from friends but also from strangers. I see it in those who have joined the campaign for equality: activists, business leaders, unionists, sporting heroes and parents of gay and lesbian children, and so many more who have voiced their support for equality. And I see it in my own party and in my own caucus room, and I thank my colleagues for their movement on this issue over the years.

The fact is that now most Australians no longer ask, 'Why?' They ask, 'Why not?' Polls consistently show that the majority of Australians now support marriage equality. Most people recognise what our laws do not: that gay and lesbian Australians are just like everybody else. Our relationships are like other relationships and our desire to make a commitment to our life partner is no different either. The children that my partner and I run around after are no different from the children of opposite-sex partners, and the joy we feel as our children discover the world around them is no different from the joy felt by opposite-sex partners. I would hazard to say that the challenge of negotiating with a determined four-year-old is probably no different either! Our relationship is not different from the relationships of opposite-sex partners, but our legal status is not the same. We cannot get married in this country, no matter how much we love each other and no matter how committed we are to one another.

But the momentum for change continues to build. Support for marriage equality does not actually require political courage, nor is it an act of partisanship. The Prime Minister, the Leader of the Opposition and a majority of the elected representatives in this parliament support marriage equality. Our debate has shifted from the merits of equality to the method of achieving it. We cannot underestimate the significance of that shift, but nor can we underestimate the impact that choosing the wrong method may have. This bill represents precisely that: the wrong method—one that is divisive, expensive, non-binding and unnecessary. Instead of a free vote in this parliament on marriage equality, this bill offers us Tony Abbott's fig leaf. It is a $200 million plebiscite and an expensive opinion poll to tell us what we already know: that a majority of Australians support marriage equality. It is a mechanism dreamed up by those in the coalition who oppose equality, a mechanism which would cause division and damage, and a mechanism whose outcome the Liberal hardliners have said they would ignore.

My opposition to a plebiscite is not a decision I came to lightly. In June, I delivered the 28th Annual Lionel Murphy Memorial Lecture at the Australian National University in Canberra. In that speech I set out my personal reasons for opposing a plebiscite—and it came after much thought and much soul-searching. The conclusion I reached was that a plebiscite is not the right pathway to equality. A plebiscite is unnecessary. As I have said, we already know that around two-thirds of Australians support marriage equality. Recall, this nation did not hold plebiscites on the abolition of the death penalty, on the ending of the White Australia policy or on creating native title rights for First Australians. The Racial Discrimination Act and the Sex Discrimination Act were enacted without plebiscites. State and federal
parliaments have legislated on abortion, voluntary euthanasia, stem cell research and many other controversial issues, without plebiscites.

We also know that a plebiscite is costly. It will cost taxpayers around $200 million. Importantly, we know that a plebiscite is divisive, because it will give those who oppose equality a multi-million dollar taxpayer-funded megaphone to spread a message of intolerance. This bill has not even passed the parliament, yet already opponents of marriage equality are resorting to what can only be described as hate speech. The minister called it 'discourtesy'. It is far more than that. There is hate speech in leaflets, posters and online materials. I want to say this to those in this chamber: for gay and lesbian Australians, this hate speech is not abstract. It is real. It is part of our daily life. And its impact can be very harmful. We know that the rate of suicide for LGBT people is between 3.5 and 14 times higher than the general population. LGBTIQ Australians are at a higher risk for a range of mental diagnoses and are significantly more likely to have depression or anxiety. The tactics that those who oppose equality will employ and are employing will, in a plebiscite campaign, do further damage to vulnerable people. As mental health expert Professor Patrick McGorry said when he called on this government to abandon its plebiscite:

Things will be said which will hurt people. Many of them are already vulnerable. There's definitely risk involved.

In September, 196 healthcare professionals wrote to the Prime Minister, warning that a plebiscite campaign could be damaging for vulnerable people in the community.

Advocates of the plebiscite often point to the Irish experience, where the public overwhelmingly voted to change their constitution to allow marriage equality, remarking upon it as a moment of celebration—as Senator Ryan said before. But what lies behind the TV pictures? In a recent study conducted by researchers at the University of Queensland and Victoria University, it was found that during the Irish referendum campaign LGBTIQ people in Ireland were upset, angry and anxious. And younger LGBTI Irish people were particularly affected, scoring lower on psychological wellbeing, and being the group most likely to report negative psychological impacts of the campaign. Only 23 per cent of those surveyed would be happy to have a referendum again, if they could go back in time. That is one in five after a referendum that was successful. But, of course, a referendum was necessary in Ireland. Here, a plebiscite is entirely unnecessary. We do not need a plebiscite, because we can achieve marriage equality in Australia by parliament voting to rewrite a few words in the Marriage Act—and that is what it should do. It should amend the act to remove discrimination against same-sex couples who want to commit to each other for life.

My personal journey in opposing the plebiscite is not unique. It is mirrored in the experience of many Australians. While the plebiscite initially enjoyed public support, a clear majority of Australians now oppose one and want the parliament—those of us elected—to do our job and vote on marriage equality. A recent survey found that support for the government's proposed plebiscite had fallen to 38 per cent. In fact, support dropped further, to 20 per cent, when people were informed of its cost and the fact that government members would be free to ignore its outcome. LGBTIQ Australians overwhelmingly oppose a plebiscite. A survey conducted by Galaxy for Parents and Friends of Lesbian and Gay Australians found that 85 per cent of the LGBTIQ community oppose a plebiscite. And we are hearing this message directly from the Australian people. Thousands have written and
called my office, expressing concerns. I know there are some who have dismissed these concerns, who have described our opposition as naive. Self-styled political hardheads claim we should toughen up or, alternatively, they suggest that if we could grit our teeth we could get through a short, sharp debate, even if it were uncomfortable.

I wish that, instead of rushing to judgement, people saying those things could instead have been curious—curious as to why the overwhelming majority of the LGBTI community in this country opposes this bill; curious as to why those most affected by the current discrimination in our laws were prepared to say no. I cannot speak for all, but I will say this: I and many others oppose this bill because we already know what hate speech feels like. We oppose this bill because we do not want our families and our children publicly denigrated; because we know that those opposed will stoop to any argument to prevent change; because we do not trust this Prime Minister and his government to stand up for us, our children and our community; because we have seen their silence when their own backbench speak; because we know their weakness in the face of prejudice; and because we know what damage can be caused in the light and heat of a national campaign.

As Dr Grainne Healy has said, the Irish marriage equality vote was 'brutal' for LGBTIQ people. Well, we have listened to the community. We have listened to LGBTIQ Australians and we have listened to the broader Australian community. That is why Labor will oppose this bill.

But that is not the end of the matter, and that cannot be the end of the matter. Despite the febrile rhetoric of the Attorney-General, there is a clear way forward—a clear way for the parliament to do what Australians want it to do: to resolve this issue, once and for all, by voting on a bill for marriage equality. All we need for that to happen is a free vote by members of the Liberal Party. All we need is for the Liberal Party to live up to its principles of individual liberty and choice. And all we need is for the Prime Minister to exercise leadership. I know there are some in this government, even some who support marriage equality, who are saying this bill's defeat closes the issue for years. So I say to all in this country who support marriage equality: we cannot allow this to be so. We cannot allow this government to continue to force its members to vote to not have a vote—to vote to stop a vote.

The LGBTIQ community has been fighting for equality for decades. We have done so with our friends and allies. We have won many advances, and we will win marriage equality; we will win this debate. Momentum continues to build, and the forces of change will not go away. Marriage equality supporters will fight for a vote in the parliament. We will do so because we know this: prejudice and discrimination can be overcome. We know that what Australians have in common matters more than the division and difference some wish to cultivate. And we know that understanding and acceptance will prevail, which is why we will keep working, we will keep campaigning and we will keep fighting until this parliament does what the community wants, and legislates for marriage equality.

Senator RICE (Victoria) (10:38): I rise to speak on the Plebiscite (Same-Sex Marriage) Bill 2016. Defeating this plebiscite bill this week will be another step in the long journey towards equality.

Today, I am going to take you on that journey, which I am optimistic is going to have a happy ending, complete with wedding bells in the near future. This journey goes a long way
back. I want to start by thanking everyone who has got us this far—those that have risked arrest and imprisonment in the decades leading up to the repeal of laws that outlawed male homosexuality. It is salient to remember that this occurred in such recent times: firstly with a repeal in South Australia in 1975, and in Tasmania not until 1997—such very recent times. I want to thank the Mardi Gras 79ers; the AIDS campaigners throughout the eighties; and people like Rodney Croome, who has been campaigning for equality for the LGBTIQ community for over 25 years. I want to thank people like Michael Kirby and Bob Brown, the first openly gay member of our parliament. I want to thank the pioneering same sex parents like the mums and dads of recently announced Tasmanian Rhodes scholar Bede Jones. I want to thank the huge number of people who have been part of the community campaign over the past year since this thought-bubble of former Prime Minister Tony Abbott was foisted on us and the campaigns run by Australian Marriage Equality, Australians for Equality, just.equal, Rainbow Families, Parents and Friends of Lesbians and Gays, and the thousands of people, gay and straight alike, who have spoken out against a divisive, expensive, unnecessary plebiscite and who have said loud and clear that the plebiscite is wrong under any circumstances because people's human rights should not be subject to a popular vote. Thanks to the 92,000 people around the world who have signed All Out's petition against this plebiscite, which was described as 'the most pointless vote in the world'; the hundreds of LGBTI community leaders who have spoken out; and the 114 straight allies, from Noni Hazlehurst to Clover Moore, who signed a statement over the weekend calling on the government to ditch this plebiscite and to hold a free vote on marriage equality.

And I want to pay my respects and grieve for those who have not made it: those for whom the overwhelming guilt and self-hatred for their homosexuality or their gender identity led them to take their own lives; those who have lost their lives to hate crimes; who bore the ultimate price of the intolerance and hate of homophobia and transphobia. Such people have been in the front and centre in my thoughts during this plebiscite debate because they remind us starkly that it is people's lives and people's wellbeing which are at stake here. People stand to be harmed by a divisive and hateful debate.

We know this journey will have an end. We know it will. It has been hard, long and arduous, but the end is in sight. There have been massive legal and social changes over the last 30 years, removing most of the state-sanctioned discrimination and social opprobrium associated with being lesbian, gay, bisexual, transgender or intersex. Achieving marriage equality is the last major leg of our journey that we have yet to travel—the biggest remaining state-sanctioned discrimination faced by LGBTIQ Australians and their families.

We have seen laws change all around the world: the Netherlands being the first in 2001; Canada, with such similar cultural background to us, in 2005; the US just last year; from strongly Catholic Argentina and Spain to Ireland just last year; and the UK, our mother country. For the royalists, the conservatives, those who champion our British history in this place, the fact that the UK achieved marriage equality in 2014 without a plebiscite surely means something. And New Zealand—ah, New Zealand!—three years ago, in 2013. How is it, when our two countries are so much alike and so similar historically, socially, geographically, that they can have achieved marriage equality and we have not? How is it that they get to have all the weddings and we are missing out on so much fun and celebration of people's love for each other?
You ask the average Australian and they say: 'Why are we still talking about this? Why haven't we achieved it long ago? Just let people marry the person they love and let's move on to the other issues we are facing in this country that are much trickier to resolve, like the inequality between rich and poor, like tackling global warming or like giving young people the chance of buying or renting an affordable place to live.' You will not be surprised to hear that we agree. The Greens have been advocating for marriage equality ever since John Howard, supported by the Labor Party, outlawed it in 2008, without a plebiscite and without any public consultation.

From our perspective it is a matter of human rights, of equality, of ending discrimination against people on the basis of their sexual orientation or gender identity. But we acknowledge that some people's religious beliefs mean they see it differently. That is fine. I am not bothered by people such as Senator Bernardi, Senator Abetz and Senator O'Sullivan having those beliefs, and no one is going to force them to marry someone of the same sex or force their religious practitioners to marry same-sex couples in their places of worship. All that we ask is that they do not impose their religious beliefs upon the rest of us. We live in a secular society. We do not have state-sanctioned religion. Legislating for marriage equality is a matter of live and let live.

Marriage, of course, has had many changes in our culture. It was not so long ago that racially mixed marriages were frowned upon—and outlawed in some cases—notably, those of Indigenous peoples under the control of the state with white settlers in our early years of settlement. It was not so long ago that it was quite unacceptable for Catholics to marry Protestants, let alone Jews, Muslims or Buddhists. It was not so long ago that a woman had to provide a dowry to her husband's family and that the wife was seen as one of the husband's goods and chattels, and where, once a woman was married, she was expected to not undertake any paid work—and, in fact, had to resign from the Public Service, for goodness sake—and settle into a life of having children and looking after her home and husband. But times change. We disrupted society. We worked hard to remove discrimination. And marriage has changed along with it.

When I got married 30 years ago, amongst my feminist friends and sisters marriage still had quite the taint of patriarchy about it. Most of my peer group were not getting married. But Penny and I loved each other and thought, 'Let's do it.' We walked down the aisle together, my father did not give me away and I kept my name. Of course, Penny and I confuse people because we are married, and we have been married for 30 years. The biggest personal touchstone for me in the whole marriage equality debate is that Penny and I would not have been able to get married if she had transitioned earlier in her life. We speak from personal experience when we say that gender identity and sexuality do not matter when it comes to love. We know that our same-sex marriage is just as important and valid and deep and wonderful and loving as our heterosexual one was. Our marriage highlights and underlines the ridiculousness of our current marriage laws in that, for us to stay married, Penny is not able to have a birth certificate that says she is female. If she did that, we would have to get divorced. That is crazy.

Equal marriage is the obvious evolution of marriage as an institution. At its most fundamental, allowing people to marry the person they love regardless of their sexuality or gender identity is affirming that people who are same-sex attracted or bi or trans or intersex
have the same rights as the rest of society, that we are celebrated, that we are equal, that we are not second-class citizens. Fundamentally, people objecting to it are telling me that I do not have the same rights as others, that I am different, that I am not as worthy, that I should not be the way that I am, that Penny's and my relationship is not right, that our children should feel different, concerned and worried that they have two mothers. I have had many anti-equal-marriage people tell me that they do not discriminate against same-sex attracted people, rather it is just that marriage is different and sacred and not for them. Sorry, saying that one of society's most revered and established institutions is not appropriate for all my lesbian, gay, bi, trans and intersex friends—saying it is not for us—is discrimination. It is prejudice.

All loving and committed couples, regardless of sexuality, regardless of gender identity, should have the opportunity to express their love through marriage. Why not support this legislation, the argument goes, as a way to achieve such equality? Why don't we make the plebiscite the next step on our journey? The answer is easy. It is because we do not need to put our country through a damaging, divisive and expensive experience. It is unnecessary. And it is not even binding at the end of it. Although some may argue that it is a path to equality, they cannot deny that it is a diversion through difficult terrain, an unnecessary detour with the likelihood of considerable harm being done to people along the way.

If it were necessary, then the situation would be different. If it were the only path, then we would make the best of it. We would pull together and support each other through it, like they did in Ireland during their referendum campaign. But we are not like Ireland, because we do not need constitutional change. We do not need to put the LGBTI community and their families through the damage and harm and hate speech which would be unleashed by the plebiscite campaign. We can achieve marriage equality through a free vote in our parliament. We need to do that as a matter of urgency. We could achieve equality by Valentine's Day next year.

A stark summary of how damaging this plebiscite would be to LGBTIQ people and their families comes from the Irish experience. Yes, they won and they achieved marriage equality, but at a cost. Dr Grainne Healy, the co-director of the Irish Yes Equality campaign, wrote to all of us and told us this in no uncertain terms. It is worth quoting from her letter. She said:

The No side posters which declared that 'every child deserves a mother and a father' were deeply hurtful and upsetting for LGBT headed families—explaining to our children that they were ok and trying to hide the posters from them was awful for LGBT parenting families.

Likewise, listening to the untruths and ill informed hate speech on radio or tv during the campaign was damaging and unforgettable for some.

Dr Healy continued:

For our friends in Australia, I would ask that you do not underestimate how horrible and damaging an experience canvassing in such a campaign can be—e ven in a campaign like ours which was predicated on positive messaging and upbeat imagery and hugely successful social media campaign with national champions for marriage equality coming out—it was a gruelling experience—at least we knew that at the end of it, if we won, we would have full constitutional equality for LGBT marriage rights. To hold a non-binding plebiscite seems to be at the least insensitive to the LGBT community who will bear the brunt of the negative campaigning and at best will lead to an experience of divisive, hurtful campaigning, with no guarantee of progressing marriage equality.
Dr Healy has also been one of the researchers studying the harm that was done by the plebiscite, which has shown major psychological and social impacts on LGBTIQ people and their families. The two groups reported to be the most negatively impacted were the children of LGBTIQ parents and young LGBTIQ people themselves.

This totally unnecessary potential harm and division is the fundamental reason why the Greens oppose this plebiscite legislation, why we oppose a plebiscite under any circumstances. It is why we listen to the Prime Minister's claims that the debate will be respectful and shake our heads and wonder what utopian world he thinks he is living in. He is off with the fairies. It is why suggestions that maybe we could make the plebiscite cheaper through electronic voting, for example, do not sway us.

The answer is simple. We do not need a plebiscite to achieve equality, and a plebiscite will do our community considerable harm. The plebiscite was thought up by Tony Abbott as a mechanism to delay marriage equality and as a too-clever-by-half way of papering over deep divisions in the Liberal Party on this issue. It has not worked. It is about to get voted down, and then we can move on. The pathway ahead is clear. What is needed is simple: a free vote in our parliament. That would see us catching up with the rest of the world. A free vote accommodates people's religious beliefs. The Greens will all vote for marriage equality, of course, because it is about human rights. We have voted for equality in every parliament, every time, every member of parliament.

The Greens have laid out three steps to marriage equality that will get us to the end of this long and bumpy road. The first step is to break up with the plebiscite. I am very hopeful that that is what we are going to do today. Step 2 is to get engaged with cross-party legislation for marriage equality, and step 3 is a vote in our parliament saying 'I do' to marriage equality. A free vote in our parliament would reflect the fact that all three leaders—the leaders of the government, the opposition and the Greens—support marriage equality; that the majority of the members of our parliament support marriage equality; and that we, as members of parliament, represent a society where over 70 per cent of the population support marriage equality.

The best way of moving forward on this is co-sponsored, cross-party legislation that recognises this support across party lines in the parliament and in the community. I call again on my colleagues today to come together, to work together, to put aside party allegiances, turf wars, point-scoring and oppositionality and to make this a reality. This is something that we can achieve together that would make our communities proud of us—working together instead of fighting each other. We can introduce legislation here in the Senate, because it seems that, even with the government's position against equal marriage, the numbers are here in the Senate for such legislation to pass—and what a big milestone on our journey that will be once it does.

This is important because it is about love: the love of Australians for each other. Australians for Equality are currently asking Australians why marriage equality is important to them. Dan and Mike, who are farmers from New South Wales, have shared their thoughts. They said:

"... marriage equality would make a change in Australia in that LGBTIQI people would feel that their love is as important as anyone else."
"We don’t want anything more than anyone else, we just want the same. We have now found our voice and we’re not going anywhere"

Can I ask my fellow senators, the members of the other place, our Prime Minister, our opposition leader—all of us—to listen to these voices and act. Forget the diversion of a plebiscite. Forget the harm that would occur with a plebiscite. Move forward on a free vote in our parliament, so that we can allow people to marry the person they love. It is going to be a beautiful thing. I so look forward to helping to make that happen, so that the celebrations can begin.

Senator BACK (Western Australia) (10:56): I rise to support the Plebiscite (Same-Sex Marriage) Bill 2016 and I will explain why. As I recall, we went to a federal election on 2 July, and the coalition, led by the Prime Minister, indicated that should the coalition win the 2016 election there would be a plebiscite to determine the issue associated with same-sex marriage. The people of Australia, knowing that that was the circumstance and knowing that that was the position of the coalition—

Senator McKim interjecting—

Senator BACK: Acting Deputy President, before I go any further, can I just make the point that I listened with respect and quietly to the contributions of Senator Rice and Senator Wong, and I for one will not appreciate any interjection from the Greens and Senator McKim in my contribution. Senator Rice sought respect, and I gave Senator Rice respect. I seek that same level of respect from Senator McKim.

I have spoken many times in this chamber supporting marriage as being between a man and a woman. Today’s debate does not centre on that particular issue, but those who are interested in my views can go back to Hansard, and they can read them. Never once in the years that I have spoken on this issue have I mentioned the topic of religion—never once—and I do not propose to do so today.

I am probably going to disappoint Senator Wong when she speaks of Senator Abetz and Senator Bernardi—and perhaps I will break confidentiality about the coalition party room—because it was not Senator Abetz or Senator Bernardi who suggested a plebiscite in the first place; it was me. It was my contention that if we could not resolve this issue then we should go to the people of Australia, and that was the overwhelming view.

So it is terribly disappointing for Senator Wong on the one hand to criticise the Prime Minister and yet on the other hand deny herself and her colleagues the right of a free vote on this issue. The Prime Minister has simply honoured the commitment given in the coalition party room, and that was that we would go to the people of Australia on the topic of the intense interest that exists around this question of same-sex marriage.

We have heard from others—today, we have heard twice—about the overwhelming view, apparently, of the Australian people on this particular topic and their support for it. If that is the case then surely those who are so strongly of that view would be keen to see it tested in a plebiscite of the Australian people. Why do I say that Senator Wong has been duplicitous in her criticism of the coalition on the question of a free vote? It is simply because the Labor Party under the leadership of Mr Shorten have been committed to one particular situation, and that is to oppose the plebiscite. For anybody who says, ‘Oh, no, the Labor Party have a free vote,’ all they need do is go back and speak to my Western Australian colleague, the now

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recently ex-senator Joe Bullock. As we know, Joe Bullock made the statement that he could not support the position of the Labor Party, and so he resigned as a senator representing the state of Western Australia.

It is the case that the Greens political party have been consistent. Nevertheless, I would not determine it to be a free vote when the circumstances are that their leader has already said how they will vote. Indeed, in this 45th Parliament, Senator Xenophon has made the statement that those of the Xenophon team will vote a certain way. The last time I was involved in discussion and debate et cetera, I was of the view that people could come into a debate openly, wanting to consider the views of others, and vote accordingly. But that is not the circumstance in this parliament—either the House of Representatives or the Senate—because we already know that the Labor Party, the Greens party and the Xenophon party will commit their people to vote in a certain way.

I am disappointed. I listened very carefully and I certainly respect Senator Wong and Senator Rice for their advice in relation to how people are likely to behave. I have a lot more faith in the Australian people than our colleagues who spoke before me. As I reflect on these comments associated with intolerance and hate speech, I go to three instances which show the reverse. The first was the trashing of Senator Bernardi's office in Adelaide by those opposed to his view. The second was the incident at the Mercure Sydney International Airport Hotel recently when activists became aware that there was a Christian group planning to meet to discuss these issues. As we know, there were threats of violence, there were feral social media posts, there were questions of staff of the Mercure hotel such as, 'Are your children safe at Mercure?' and there were calls showing disdain. If there has been evidence of intolerance and hate speech, it has not come from those who would support marriage as it is currently defined. In Tasmania, when the Catholic Archbishop of Hobart apparently had the audacity to put to the Catholic community of Tasmania a position in relation to preserving marriage as that between a man and a woman, the man was dragged before the antidiscrimination commission in Tasmania, until such time as common sense prevailed and, after a long period of time, the charge was dropped.

I certainly hope that Australians would treat this issue seriously and courteously. Senator Wong is correct when she said that we passed antidiscrimination legislation in this parliament years ago. I am not aware of there having been an outburst of hate speech as a result of that legislation making it illegal to discriminate against same-sex couples in a whole range of areas, in the same way it made it illegal to discriminate on the basis of race.

The comment has been made that those supporting marriage as being between a man and a woman will somehow have the financial advantage over others. I would say that the publicly funded broadcaster, the Australian Broadcasting Corporation, has taken one position—that of supporting same-sex marriage—unilaterally for the last period of time. Therefore, I would question whether or not that allegation or that charge is valid.

It is a question of cost. I accept that. But let me remind those in this chamber and inform those in the public gallery that, as a result of the debt incurred during the six years of the Labor government, taxpayers are paying $1.2 billion every month not to repay the debt but just to pay the interest on the debt—$40 million a day, seven days a week. You, Mr Acting Deputy President, and I, and others in this chamber who pay tax, are forking out 40 million bucks a day just to pay the interest. And interest rates at the moment are one and a half
percent; imagine if they went to four. So, yes, it is a cost. It is four days interest on the national debt to give the people of Australia the opportunity to have their say on 11 February—four days interest on our debt. I do not reckon that is a bad debt for a population of people who went to the election on 2 July knowing that, should we win government, the Prime Minister would move towards a plebiscite. Where has it changed in this parliament that democracy gets thrown out because one group does not want to accede to the decision of the Australian people? That is what we went to the election on.

Although I support marriage as it is currently constructed—as being between a man and a woman—if in the plebiscite, if it is held on 11 February next year, the people of Western Australia vote to support same-sex marriage I will vote to support, in a subsequent debate on legislation, same-sex marriage, because I represent the people of Western Australia. I challenge everyone else in this parliament—all of those in the reps and all of us in the Senate—to do the same thing. I have heard there are people from our side saying, 'I don't care what the outcome of the plebiscite is, I will go my own way.' I am putting on the record again that if the people of WA, who I represent, support same-sex marriage I will support it. But if I do so, everyone else—every one of the 225 of us—should commit. That is why we are here—those in the House of Representatives by an electorate and those of us in the Senate by the state from which we come. If the people from that state in my case—or, in the House of Representatives, if the people of an electorate—vote 50 percent plus one, then that will be my position.

I do say this: 11 February is three months away. I would urge all of you who want to see this matter resolved more quickly to support the plebiscite to have confidence in the Australian people as to the common sense, integrity and decency of the Australian people. We should support the plebiscite. It is what the electors of Australia did when they voted the coalition into government. If indeed it is so overwhelming that same-sex marriage is the mood and the will of the Australian people, it will be determined on 11 February. If it is not, then I challenge everyone in this parliament to vote according to their constituency.

**Senator LINES** (Western Australia—Deputy President and Chair of Committees) (11:09): I too rise to speak on the Plebiscite (Same-Sex Marriage) Bill 2016. It is an honour for me to stand in the Australian parliament today and once again publicly reaffirm my absolute commitment to marriage equality. I do that proudly, and I do that as a Western Australian senator. In reaffirming my support for marriage equality, I further state: it is the role of the Australian parliament to deal with this issue; it is our role as elected representatives. However, sadly, distressingly and against the will of many parliamentarians from all sides of politics, we as a parliament have steadfastly refused to make marriage equality a reality. In the last parliament, there was a very public six-hour debate held behind closed doors by the government to work out their position. Unfortunately, the extreme right wing of the Liberal and National parties held the day and the ridiculous, unnecessarily expensive and divisive plebiscite won the day. Initially, it won the day because the former Prime Minister Mr Abbott wanted to delay a vote in this parliament. Mr Abbott has made his views on opposing marriage equality very clear. Now the current Prime Minister, Mr Turnbull, is holding the line on a plebiscite simply to hold onto his own job.

I listened carefully to the arguments put by Senator Back. I have heard the government talk about a plebiscite and how respectful it will be. I can tell members of this place—and I am
sure that, as a Labor senator, I am not alone in this—I have received many deeply offensive emails from people who are opposed to a change in the Marriage Act. So offensive are these emails that on my automatic reply I state that I am for marriage equality, and I further state that I will only respond to respectful emails. Unfortunately, many of these emails are deleted. If the government are trying to convince the Australian public that we can have a respectful debate, they either do not receive the emails that I receive or are completely denying the facts. I am more than happy to share these emails with the government. I am sure that many other Labor senators and, indeed, the Greens would get the same kinds of extremely hurtful emails that I get from people opposed to marriage equality. I know that if we were to proceed with this plebiscite we would give a strong voice to those people, because, at the end of the day, a plebiscite is an opinion poll where people give their opinion as to whether they are for or opposed to marriage equality. It is of course their right to have a view, but that divisive element, that hurtful element, that extremely offensive element in the emails that I get on this issue will be well and truly part of the discourse in the public arena. We know that that is extremely hurtful to the LGBTI community and their children, which is another reason why we do not want to go down the path of this divisive plebiscite. Senator Back would know, as I and other Western Australian senators know, that people in Western Australia largely support marriage equality. So Senator Back does not need the views of Western Australians expressed through an opinion poll, such as a very expensive plebiscite, to support marriage equality in this place. Labor has made its view on the plebiscite very clear. We are opposed to a plebiscite. We support a free vote in this parliament on the issue of marriage equality. We know from poll after poll that the majority of Australians support marriage equality. Young people, particularly our next leaders, the next generation, overwhelmingly support marriage equality.

Young people I speak to—whether it is young people in my own family or young people who are friends of people—just cannot understand why we in this place remain unable to move on the issue of marriage equality. The polls tell us that something like 97 per cent of young people support marriage equality. When I speak to my granddaughter, who is 12, her view is: 'Love is love. If people want to marry, why are we standing in their way?' Some people might be surprised that a 12-year-old has an opinion, but that is her opinion and she cannot see why we as a parliament continue to not be able to deal with this issue.

So it is inevitable, with young people coming up and becoming leaders, that we will get to marriage equality in this country. But I do hope that we are not still standing here in another 10 years denying people who love one another the opportunity to marry. I stand here as a person who can make that choice. I can make a choice about whether or not I marry the person I love. I want all of my friends to be able to have the choice that I have to make the same decision and to do so with the support of the Australian community. Certainly, as I have said, when I talk about marriage equality with the people I have contact with, they just cannot understand why we cannot get it done.

When we look around the world now, conservative countries have marriage equality. Australia was once seen as a progressive country. We embraced an eight-hour day and we gave women the vote. We have done a whole range of things in our history to make us proud that we are a progressive country. But on the issue of marriage equality we are no longer seen as a progressive country. Indeed, we are trailing behind many conservative countries who
have been able to embrace the concept of marriage equality. Many of us in here were proud when Ireland—a deeply religious country—moved to establish marriage equality. Australia does not have those strong religious traditions. Of course, there are people of the Christian faith in this country, but it is not as strong as it is in Ireland. Yet in Ireland they were able to embrace marriage equality.

What is really sad about this whole issue is that Australians support marriage equality. Young people overwhelmingly support marriage equality. Yet, as a country, we have not been able to deal with this issue in the parliament. Right now, Australia as a country is being held hostage by a handful of right wing conservative politicians in this parliament. Sadly, that is the truth of the matter. That is what it boils down to. A minority group—a rump, if you like—are holding to ransom not only their own party, whether it is the Liberal component or the National Party component of the government, but also the country. They are holding Australia back. Their continued refusal to move on this issue is very hurtful to LGBTI families, because it is saying to those families, to those couples and to those individuals: 'There is something not quite right about what you want.' Those who choose marriage equality simply want to have the rights that every other Australian has.

A plebiscite is absolutely unnecessary. We as a parliament have dealt with issues of greater complexity and issues far more contentious than the issue of enabling those who love one another to choose a married life. Labor knows that a plebiscite will be hurtful to the LGBTI community. As I said at the outset, as a Labor senator, I have received some very disturbing and unnecessary emails from constituents stating all sorts of things. I do not wish to go into the details of these emails in this parliament because I do not think they deserve to be aired publicly, but I can assure you that those emails are there.

We have also heard from our leading mental health specialists, respected professionals such as Professor Patrick McGorry. He has said publicly that a plebiscite will be harmful to the LGBTI community. Why are we not listening to those views? Why are we not listening to the views of respected mental health professionals? Why are we continuing to be held captive by a very small right-wing rump of the current government? Why are we not listening to the views of the two-thirds of Australians who support marriage equality? Why are we not now moving, as a parliament, on marriage equality? Let's have the debate. Let's give everybody a free vote. That is what Australians want to see.

This overwhelming support for marriage equality is higher in Australia than in many countries that currently have marriage equality. I think most Australians, even some people who oppose changing the Marriage Act, want the debate to be had in this place. As Senator Back alluded to, we have seen members of the government who have stated that, regardless of the views of Australians, even if we did have this unnecessary, expensive, divisive plebiscite, many in the government will still vote against marriage equality. Despite what we hear from the Prime Minister about a plebiscite and respecting the views of Australians, many in his own party and in the National Party will not support marriage equality, even after an expensive and unnecessary plebiscite. Surely, these public views by members of the government make a mockery of this facade of a plebiscite.

Ultimately, it is the job of the parliament, the job of politicians, as representatives of their electorates and states, to make this decision. Extraordinarily, at a time when, in the name of balancing the budget, the government is prepared to attack families, pensioners, the
unemployed and Aboriginal and Torres Strait Islander people by slashing programs and taking money out of programs, at a time when the government is taking funds out of our health and education systems, at a time when women in this country have been referred to as 'double dippers' on parental leave, the government wants to go ahead and throw money at a plebiscite. It is inconceivable to me that the government could go after vulnerable groups in our community in the name of balancing the budget and yet, at the same time, be quite prepared to throw at least $160 million away—some people say it would be more than that—on an unnecessary, non-binding, hurtful, divisive opinion poll, because that, at the end of the day, is what the plebiscite is. It is nothing more than a government-run opinion poll.

To me, it is immoral that the Prime Minister would waste millions of dollars just to save his own skin. He continues to be a captive of what we assume to be a rump of minority right-wing backbenchers—and I do respect their point of view that disagrees. I do not understand it, but I certainly respect their point of view. But I certainly do not support the wasting of at least $160 million of government money, particularly when we are told daily by the government that money is tight and we have to balance the budget. I certainly do not support the expenditure of such moneys in this way, and I certainly am very concerned about the impact of such a vote on the LGBTI community. The real truth behind the government's dogged plebiscite agenda is that it is really about the Prime Minister saving his own skin.

We already know the answer. We know that two-thirds of Australians support marriage equality. We know that the government's own research company, Crosby Textor, has found 72 per cent of the public already support marriage equality. We know that where referendums have been held in other countries it has been a hurtful experience. In the US, where there have been state referendums on marriage equality, there has been a 37 per cent increase in mood disorders in the LGBTI community; a 42 per cent increase in alcohol use disorders; and a massive increase in generalised anxiety disorders.

Personally, I am really uncomfortable with ticking a ballot that says, 'Do I give my permission for someone else to marry?' because marriage is a deeply personal commitment. It is a decision that couples take—those who love one another and who want to choose marriage. Who am I to stand in the way of that personal decision? Who am I? I do not believe I have the right to make that decision. I certainly believe, as a senator and as a member of the Labor Party, that it is absolutely my job to enable that choice to be made. It is not my job as an Australian citizen to tick 'yes' or 'no' on a public opinion about someone else's rights. That is a step too far for me. I am deeply uncomfortable with the concept of doing that. I am absolutely up to my responsibility as a Labor senator in this place to ensure that we enable people to make that deeply personal decision for themselves, regardless of who they are. If people want to make that public commitment, it is my job to enable that choice to be made.

Even if we look down at the political level, we know 80 per cent of Labor voters support marriage equality, 78 per cent of coalition voters support marriage equality, and 88 per cent of Greens voters support marriage equality. We know that of people of religious faith, 75 per cent of people who are religious but not Christian support marriage equality. We know that 67 per cent of Catholics support marriage equality, and almost 60 per cent—59 per cent—of Christians support marriage equality. So why is this parliament standing in the way of marriage equality? Why are we all being held captive to a minority rump of the right wing of the Liberal and National Parties? It is time that we stood up to those folk. It is time Mr
Turnbull stood back and said, 'No, we are putting marriage equality forward in this parliament.'

We have certainly seen lots of changes to the Marriage Act, none of which have ever gone to a plebiscite; we have just made those amendments right throughout the recent history of this parliament. And yet, on this issue we are simply being held captive by the views of a very small minority.

In the last parliament I met with a range of LGBTI families and I heard from the children of those families, who were saying that they would find it extremely hurtful to have their families up in the public spotlight. We should respect the views of those children who spoke out about their families. They are their families. They are loving families, like most Australian families, and we should respect the views of those children and not allow them to be vilified.

I would urge us here in this place to get on with marriage equality, to not support this expensive, divisive and hurtful plebiscite the government wants to go through to save its own skin. The time for marriage equality is now. Let's respect the views of Australians, the majority of whom want marriage equality. Let's get on and let's just do it. Let's get marriage equality ticked off now.

Senator LEYONHJELM (New South Wales) (11:29): I believe people who claim to support legalising same-sex marriage should support every opportunity to do so. If they do not then their support is pretty flimsy. Unfortunately, I am the only senator who has supported legalising same-sex marriage at every opportunity in this place. For all their waffle, this year Labor and the Greens have each blocked the Senate voting on same-sex marriage. I will maintain my unblemished record by supporting the government's Plebiscite (Same-Sex Marriage) Bill 2016.

Those promising to block a plebiscite are lying when they suggest we will instead be able to legalise same-sex marriage through a parliamentary vote. The coalition has a policy to oppose a parliamentary vote and the coalition has the numbers. It is reality. Deal with it. Those who think they will force the government to change its position to support a free vote are dreaming. Half the Liberals are dead against it, as are the Nationals, and the coalition agreement obliges the government to hold a plebiscite. Furthermore, the chances of the coalition moving to a conscience vote were dealt a severe blow when Labor decided to commit to a binding vote after the next election. In the absence of a plebiscite, same-sex marriage has the potential to be a highly partisan issue for years to come.

To those LGBTI lobbyists who oppose the plebiscite because it gives a voice to homophobes, I say: 'Harden up. You may not want to accept it, but homophobes already have a voice and—guess what—they will continue to have a voice for the rest of time. It is called a free society.' Your suggestion that an acrimonious debate will prompt suicides and other mental health issues in the LGBTI community is obnoxious. These are normal people, not mentally fragile little daffodils affronted by name-calling. Those people who believe gay people are too weak or fragile to withstand a public discussion are just perpetuating a homophobic stereotype. If such a view had been accepted during the civil rights debates in the US last century, women would still be languishing in the kitchen and blacks would still be sitting at the back of the bus. They also constitute groups with high rates of mental illness and could therefore be considered more vulnerable. I wonder how Martin Luther King might have
reacted if he were told to refrain from a too-passionate debate lest there be blowback against psychologically fragile Negros. In fact, the people saying such things do not represent the LGBTI community. They are a front for the Greens. The jig was up when, more than a year after the government proposed a plebiscite, the Greens announced their opposition to the plebiscite and then, lo and behold, within a matter of days a slew of lobbyists purporting to represent the LGBTI community announced their opposition to the plebiscite. All Labor are concerned about is the Greens stealing more votes from them.

Like many others, I would prefer the question of same-sex marriage were put to a vote in parliament rather than a plebiscite. I do not like the cost of a plebiscite to taxpayers. But it is disingenuous for the opponents of a plebiscite in this place to claim they are concerned about the cost to taxpayers. They do not think twice about wasting taxpayers’ money on every issue under the sun, and their waste is in the billions, not in the millions. Those who oppose spending $170 million on the same-sex marriage plebiscite support spending more than this on an Aboriginal recognition referendum when a statement of recognition would do nothing to improve the living standards of Aborigines. In fact, the cost of a plebiscite could be more than covered by the boost to the economy of additional weddings. The ANZ bank says that is likely to be at least $500 million a year and that the total economic benefit could be as much as $1 billion a year, including small businesses and the service sector.

Opponents of the plebiscite have also cited the fact that they do not know how same-sex marriage would be legislated if the plebiscite is passed. They need to see the legislation before deciding if it is the right legislation. This suggests they may not support the legalisation of same-sex marriage if it comes with protections for those civil celebrants, florists, cake makers and photographers who want nothing to do with same-sex marriages. This reflects a sadistic mindset. It reveals a desire to ‘get back’ at opponents of same-sex marriage and to rub their noses in it. It also reflects totalitarian thinking, based on a desire to make it obligatory to support same-sex marriage and impossible to hold a different view based on conscience.

I will support a plebiscite on same-sex marriage, because politics is about compromise. If you do not get things delivered to you just the way you like, you should not take your bat and ball and go home. This bill should pass and the plebiscite should occur, because it will lead to same-sex marriage within a matter of months. The obligation is on those who support same-sex marriage—and I am one of them—to ensure the plebiscite passes, not oppose the plebiscite in the first place. I am completely confident a substantial majority of Australians agree with me, and I commend this bill to the Senate.

Senator IAN MACDONALD (Queensland) (11:36): It is always a pleasure to follow Senator Leyonhjelm, and that was a refreshingly direct and honest contribution to the debate on the Plebiscite (Same-Sex Marriage) Bill 2016. Before I deal with the matters at hand, I just want to mention a couple of personal issues. Firstly, I want to thank all of those from both sides of the argument who have approached me and had very rational and mature discussions with me. I do not think I have left anyone in any doubt as to my position, but I was very pleased to listen to all points of view. I thank those who made the effort to speak with me for their courtesy in the approaches they made.

The second comment I want to make is that I have not been in a fight. I look like I look today because I had a misspent youth in the sun. This is perhaps a lesson to young people: always wear a hat and your sunscreen. They cut something out of my forehead and the blood
has fallen down into my eyes and I look like I have done a few rounds with some boxers—but I have not. I wanted to say that once, so that I do not have to keep repeating myself.

My position on this question is one of almost ambivalence. All I want is to get it over and done with. As a member of my branch, who is quite a strong Catholic lady, said the other day: 'For goodness sake, get it over and done with, because we're sick of hearing about it.' If you have listened to the ABC any time in the last five years, you could not have heard a news bulletin go by without this issue being raised by the ABC. I will be, as I have said publicly a number of times, voting against the question in the plebiscite. I do this for several reasons—although, as I say, I am fairly easy on the whole subject.

Clearly, there is no discrimination against same-sex couples, and there has not been discrimination in Australia for many, many years now. I do not see same-sex couples in any way discriminated against or disadvantaged. In fact, I say to some of my same-sex couple friends: 'How are you disadvantaged? If you want to have a celebration of your union, let me know and I will come along, bring you a nice present and drink your grog and you can tell the world that you are together, you are married—call it what you like.' I just cannot understand this five-year campaign by the ultra-left of society to waste the time of the parliament in this ongoing debate.

There are a number of people—I suspect more in my own constituency of the state of Queensland than elsewhere and certainly a lot of friends and people I have associated with—who have deeply religious feelings and understandings about what marriage means and how marriage is defined. I am conscious that there are many members of the Labor Party with the same view. Taking away a conscience vote for members of the Labor Party and forcing them to adopt the left-wing union line is going to be very difficult for the Labor Party following the next election. That aside, there are people who have very deeply held views on the religious significance of marriage, and they are people who, over time, we have listened to and have supported. I was part of the coalition that, over the last two elections, made a commitment to these groups of people that we would not deal with the matter in the parliament but would ask the people of Australia to make their decision.

For those reasons, I will obviously be voting in favour of this bill. I will be voting no at the plebiscite, but, whatever the result of the plebiscite is, that is how I will vote in parliament. I have made this known publicly a number of times. If the Australian people decide to vote yes to the question, then that is how I will be voting in the subsequent legislation. If they vote no, then that is how I will be voting when the bill is brought before the parliament.

In opening this debate, Senator Ryan again showed the hypocrisy of the Labor Party and the Greens. I will not repeat exactly what Senator Ryan said. In fact, he was quoting Mr Shorten, Dr Di Natale, Senator Rice and Senator Xenophon who themselves have called for a plebiscite. Only a short time ago, it was foremost in their minds that they must have a plebiscite. Why are they now taking a completely hypocritical approach and saying the exact opposite? Where were all the arguments they used today against this bill when Mr Shorten publicly called for a plebiscite? Where were all those arguments when Senator Di Natale and Senator Rice actually proposed a plebiscite? Where were they when Senator Xenophon joined them in proposing a plebiscite? Today, it is the worst thing, it is the devil incarnate, if you have a plebiscite, and yet only a short time ago those politicians were calling for it. It makes you wonder just how serious they are and what their underlying agenda is.
I hope that, by February next year, this decision will be taken and over and done with and that life will move on. The distraction that this issue has caused in this parliament and in certain sections of the community will be done once and for all. February is four months away. I cannot understand why anybody, unless they have ulterior motives, would not get on board and have the plebiscite. By March next year, it would be not an issue for the Australian public.

I also raise an issue which is foreign to the Labor Party and the Greens: we are a government made up of political parties who want the trust of the Australian people. When we promise something at an election, we ask the Australian people to trust us and to believe us. In the last election, we said there would be a plebiscite on this subject. The people of Australia said: 'Okay. We understand what you want. We're going to vote for you on the understanding that, as well as doing other good things, you will have a plebiscite.' We are unlike the Labor Party, who, as you might recall, Mr Acting Deputy President Gallacher, promised that there would be no carbon tax under a government led by the then Labor Prime Minister. When the election was won by the Labor Party, the first thing that happened was that they introduced a carbon tax. Why are politicians and political parties held in such low esteem? It is simply that—political parties like the Labor Party get up and promise on their heart that there will be no carbon tax and, immediately, when they get there they do the exact opposite thing. We are not like that. We made a commitment to the Australian people. We said to the Australian people, 'Trust us; this is what we stand for in the election. If you vote for us, that is what you will get.' Well, people voted for us, and this is what they are going to get. It is what they asked us to do—that is, to have a plebiscite on same-sex marriage so that it will be over and done with once and for all by March next year.

The cost issue has been raised. It is an absolute furphy, particularly when it is raised by members of the Greens political party and the Labor Party. They were members of a government that ran up a debt which is currently about $400-odd billion. If there had not been a change in government, all of the things that the Labor Party and the Greens said they would do with taxpayers money would have led to a debt of about $700 billion. And do you know, Mr Acting Deputy President, that in the time that I have been speaking the Australian taxpayers have probably paid $1 million in interest? Certainly, by the end of today the Australian taxpayers would have paid $44 million in interest on the debt that the Labor Party and the Greens ran up in their six awful years of government. By the end of the week there would have been $300 million of taxpayers money spent on paying interest—mainly to overseas lenders—on the debt run up by the Labor Party and the Greens. So when the Labor Party says, 'Good heavens; we can't afford $180 million for a plebiscite,' you know the hypocrisy just flows out of their mouth.

I have to say—and not necessarily because of a funding issue—that I disagree with the government's position of providing funding for the yes and the no case. It seems to me to be a very complicated bureaucratic process of having five politicians and five people from the groups to run these cases and oversight by the government on the arguments. It is just, I think, the worst thing that could happen. Let me say to others who are thinking of moving an amendment along that line: do not bother. It is not something worth going to the wall over, but I was disappointed the government decided to do that. I do not usually say what happens
in our party room but I spoke against it in the party room. I think that is $15 million that is not necessary and not needed.

As I said before, if you have listened to the ABC any time in the last five years you would have heard all of the arguments on one side. And, certainly, the other side have not been reticent and not been tardy in getting their view out to the parliamentarians and to everyone else on their side of the argument. So I do not think anyone in Australia needs a $15 million advertising campaign to make up their minds on how they will vote. I think most Australians are like me—thoroughly sick and tired of it. They know what they want to do, they are happy to go ahead and have the plebiscite tomorrow and have their say.

If the figures that Senator Lines quoted on how many people in all the parties support it, then why won't the Labor Party and the Greens have the plebiscite? With all those figures it is going to get passed and, come April, it will not be anything that anyone talks about. I suspect—it is my own view—that the Australian people, in the privacy of the ballot box, will probably vote against it. I have no particular reason for saying that. I have just seen the Australian public at plebiscites and referendums. I know there is throughout Australia a deep conservatism that will make them think twice about that. But if Senator Lines is right and all of those people—82 percent, 72 percent or 65 percent—support it, why oppose the plebiscite? Get on with it, and by March it will be all over and done with. It is an argument that I simply cannot understand.

Senator Lines said that young people in particular are in favour of same-sex marriage. I see quite a number of young people these days—mainly through the Young LNP—and I suspect Senator Lines is probably right. But I do not think there is anything deep and meaningful about it. I just think they say, ‘Oh, well. If people want to do that, let's let them do it.’ Maybe young people will vote 'yes'. But I will tell you what is more important for young people, Mr Acting Deputy President, and that is that they should have some trust in their government—some trust in the politicians they elect. They expect, and they should expect, politicians to do what they say. We promised to have a plebiscite, and we intend to do it. I hope young people will respect us for that and then will be very happy to have the vote, as will every other member of the Australian public in making their decision on how they should vote.

Young people will look with disdain at Mr Shorten, Senator Di Natale and Senator Rice—I am not sure where Senator Xenophon is on this issue—three politicians who just a little while ago were advocating for a plebiscite and yet today are totally opposed to it because, as I said before, it will bring the devil incarnate into Australian society. That is what young people do not like, and it is little wonder that politicians and political parties are held in such poor regard.

Again, it is a matter of debate—it does not really add to the debate—but Senator Lines spoke about the plebiscite in Ireland. That is not a bad example to raise. She of course never raises—and neither does anyone else—that Austria, also a deeply religious country, had a plebiscite, and the Austrians decided the other way. Using Ireland as an example is, to me, a bit of political rhetoric, a one-sided political debate that really means nothing.

I say to Senator Lines and to other people from Labor and the Greens party: it is typical of the Left. They try to intimidate and bully people by attributing names to them. I will be called part of the right-wing rump because I support the plebiscite. Most people who know me know well know that I am anything but right wing and that my rump is not big—perhaps my
stomach is, but not my rump! These accusations, this bullying and this name-calling in relation to people who do not happen to agree with them are another unfortunate part of the Australian political psyche that really leads to the poor regard in which we are all held. It is because of attributing names, making accusations, belittling people, demeaning people and intimidating people by calling them names. Most of the people from outside whom I have heard in this debate have a serious contribution to make, and they make it because that is what they believe, not because they are a part of any right-wing, left-wing, moderate or Callithumpian group on one side of politics.

Finally, I repeat that by March this question will be beyond us. For those who passionately believe in it—and I know there are many people who genuinely do—come March, the decision will be made in accordance with the opinion polls. For those who are opposed, they will have had their say. And we as a government will have discharged our commitment and our promise to hold a plebiscite, and allow the Australian public to make their decision. I cannot see a simpler and easier way—a more honest and straightforward way—of dealing with this subject that has very sensitive connotations for certain sections of our community on both sides. It can all be over and done with by March, and I look forward to that time.

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (11:54): Today, I rise to speak against the Plebiscite (Same-Sex Marriage) Bill 2016. This is the government's plan to put same sex couples' basic right to relationship equality to a popular opinion poll.

I have spoken many times in this place about the need for marriage equality and the onus on us in this place to deliver it. Most recently I shared the story of Lee Bransden and Sandra Yates from Devonport, who were forced to fly to New Zealand to get married. Lee and Sandra would love to have legally sealed their love in Australia among all their family and friends, but they could not because Lee suffers from an incurable lung disease and they simply could not afford to wait for us in this place to get our act together. The fact that the responsibility for this lies with us is nothing short of shameful.

There are many reasons why this plebiscite is wrong, just one of which is the multimillion dollar hit to the budget that it will levy. Just last week, it was revealed by the Parliamentary Budget Office that, under Mr Turnbull, the deficit from 2015-16 to 2018-19 has deteriorated by $14.9 billion. It also projected that net debt will grow to $356 billion in 2018-19. Already, the credit-rating agencies have put Australia on notice that, if the government does not get its books in order, our AAA credit rating could be at risk. But so deep, so entrenched and so intransigent is the fear that same sex couples may be joined in marriage that those opposite are willing to further threaten Australia's financial position to prevent it.

Mr Morrison likes to tell us that we have a spending problem, and yet he does not blink an eye at throwing over $160 million at a ridiculous, divisive public opinion poll. And that is just the direct implementation cost. PricewaterhouseCoopers has estimated that the full hit to the Australian economy could be over half a billion dollars. Not only that, but the rabid Right wanted to hand over another $7.5 million of precious taxpayers' dollars to give a publicly-funded voice to the vicious anti-marriage-equality lobby.

Gallingly, it was recently revealed by the Advertising Standards Board that these publicly-funded hate campaigns would be exempt from current advertising standards of truth and accuracy. The Prime Minister's suggestion that it would be a respectful, civilised debate shows that he is either ignorant or deliberately misrepresenting the situation. My money is on
the latter. Let's be clear: Mr Turnbull's plebiscite would be an open invitation for the right-wing activists to launch into a vicious and damaging campaign. Already, we have seen the Australian Christian Lobby appealing for the repeal of antidiscrimination laws for the plebiscite campaign period. To my mind, if you need to suspend antidiscrimination legislation in order to make your argument, there is a good chance that your argument is actually wrong.

But the real kicker is that, once all is said and done—once Australians have voted in good faith—the result will not even be binding on the conservatives in this place to vote in accordance with that vote. Already some in this place and in the other have refused to commit to vote in favour of marriage equality if this is what the country decides through the plebiscite, and yet they are willing to throw away millions of dollars in the process of denying the will of the Australian people.

But if the cost to the federal budget is enormous, the personal psychological toll on the LGBTI community would be immeasurable. In September, the co-director of the Yes Equality campaign in Ireland, Dr Grainne Healy, urged the Australian government to reverse its plans for a plebiscite, describing the Irish plebiscite experience as 'brutal' for gay and lesbian people and their families. Dr Healy explained how volunteers needed counselling after enduring abuse and hate speech from anti-marriage-equality campaigners.

Of course, children will be among the most vulnerable if this damaging plebiscite proceeds. No-one knows the hurt and pain of cruel words as much as a child who has experienced them firsthand—like 13-year-old Eddie Blewett, who visited Canberra last month with his parents, Claire and Neroli. Eddie has been ruthlessly bullied this year. It got so bad that his parents were forced to enrol him in a different school, a situation that Neroli believes was heavily influenced by the government's plan for a plebiscite that has legitimised cruel and heartless commentary on the issue.

Today I would like to share Eddie's words from his personal letter to the Prime Minister about the plebiscite. It reads:

Dear Prime Minister,
That really upset me!!! Please do your job. We want same sex marriage without hearing in the playground that I am not normal.
From Eddie.
Ps. Thank god for Tanya Plibersek.

I would like to acknowledge the courage it took for Eddie and his parents to come to Canberra as part of a Rainbow Families delegation and speak on this issue. And I truly hope that we in this place will take the time to reflect on their experience and the experience of thousands of people who would be subjected to cruel arguments about the worth of their relationships and the legitimacy of their families. In failing to deliver marriage equality, we are not just making a statement about marriage; we are making a statement about the value of individual relationships and families. For those who say they are opposed to marriage equality on the grounds of concern for children, I say that it is the cruel attitudes and words that are damaging, not the prospect of marriage between two people who love each other.

Of course, Mr Abbott's decision to hold an expensive, non-binding plebiscite begs the question: why is it that it did not require a popular vote for John Howard to restrict the Marriage Act in 2004 but suddenly the parliament is incapable of doing its job now? Former
High Court Justice Michael Kirby hinted at this question when he urged a rethink. He said the plebiscite would create a dangerous political precedent where the parliament can avoid making decisions on difficult issues by running unnecessary and expensive popular votes.

Why is it that the parliament has been able to float the dollar, send Australia to war, legislate on immigration, enforce a goods and services tax and strike binding international trade deals but now we are suddenly incapable of holding a simple vote on whether two people who love each other have the right to get married? Of course, we all know why. It is because this whole thing was dreamed up by Mr Abbott and the conservatives as a means of avoiding marriage equality.

Sadly, Mr Turnbull has proven that he has absolutely no qualms with being the willing puppet of these right-wing masters and has submitted wholeheartedly to his predecessor's plan. Lacking the backbone to stand up to the Abbotts, Abetzs and Christensens of the world, Mr Turnbull has chosen his quest for power and position over his long-held beliefs and his personal integrity. In fact, only three years ago last week, Mr Turnbull called for exactly what Labor and the LGBTI community know Australia needs to have—a free vote in the parliament. In 2013 the Prime Minister was clear about his opinion on the matter. He said:

But my view, as you know, is that we should have a free vote, and if we do agree to have a free vote, I will vote in favour of same-sex marriage …

Well, what a diminished man we see before us today, what a shadow of his former self. This is the man who fought so strongly for real action on climate change. He rightly pointed out that Mr Abbott's direct action plan was:

… a con, an environmental fig leaf to cover a determination to do nothing.

before mutating before our eyes into the government's chief attack dog on clean responsible renewable energy. This is the man who told us that the days of the three-word slogan were over—right before dragging us to an eight-week election campaign with little more than a $50 billion tax cut for big business and the endlessly repeated 'jobs and growth' mantra. And now this man, who rightly backed a free vote, may be personally responsible for holding off marriage equality for yet another term.

Mr Turnbull promised us he would be different from the man he replaced—right before morphing into Mr Abbott's ideological doppelganger. No wonder Australians are asking themselves: 'Who is this man who calls himself our Prime Minister and what on earth does he stand for?' What does he stand for? The bitter truth is that our Prime Minister stands only for his personal ambitions—never mind the needless damage that he has done to the federal budget and innocent members of the LGBTI community.

So here we are debating a marriage equality bill designed by the extreme right to try to stop marriage equality. You could not make this stuff up. But Labor will not leave the matter there. We understand that marriage equality is what the Australian people want. But they do not want to spend tens of millions of dollars on a damaging, divisive, non-binding opinion poll to get it. I can say this because I have received hundreds of pleas from Australians rejecting the plebiscite and calling for a free vote in this parliament. In fact, I have received thousands of emails and letters calling for exactly this. In contrast, I have only received 43 from people who want the plebiscite to proceed.
Unlike the Prime Minister, Labor will not sacrifice our values nor will we reject the clear message coming from the Australian people. And, unlike the Prime Minister, we will not submit to the will of the deeply unrepresentative hard-right conservatives. No, we will fight. We will continue to prosecute the case for a vote in the parliament and we will not give up until that happens.

Senator HANSON-YOUNG (South Australia) (12:05): I rise today to speak to the Plebiscite (Same-Sex Marriage) Bill 2016, a bill to establish a plebiscite to test whether the Australian people want to see marriage equality achieved in our country. Of course, we do not need the plebiscite to understand that the majority of Australians, like the majority of parliamentarians in this place, want to see marriage equality achieved. They want to see Australia catch up with some of our other brothers and sisters around the world to embrace equality and to finally put behind us the nasty oppression of couples and individuals based on their sexuality and their ability to love and marry somebody of the same gender. This plebiscite is, of course, legally unnecessary. We are not faced with a need to put a question to the people to change our Constitution. Our Marriage Act in this country is overseen and governed by the parliament. We could have a free vote in this chamber and in the other place and we could achieve marriage equality here today.

I have been thinking about this issue for a long time. It is worth noting that my first private member's bill in this place as a senator, when I first came into the parliament, was to achieve marriage equality and remove the discrimination that only allows a man and a woman to marry and not same-sex couples. I have been advocating for these changes in this place for a long time, as have many of my colleagues. I would like to acknowledge the former leaders of our party, Senator Bob Brown and Senator Christine Milne, for their dedication and their constant advocacy on the issue during their time in this place.

I have thought long and hard about the question of a plebiscite. On face value, when you have such staunch opposition in this place and in the other place to a free vote that would allow parliamentarians to vote with their hearts and their minds, not just on their parties' ideology, a way forward and an opportunity to break the deadlock seems welcome. But as this debate has continued it is clear to me that the Prime Minister, Malcolm Turnbull, has not got the commitment to follow this issue through. I do not believe for a second that the Prime Minister, Malcolm Turnbull, would ever put himself on the line to make sure marriage equality was achieved in this country, whether by a plebiscite or, indeed, an act of the parliament. It is that lack of conviction from our Prime Minister that casts huge doubt in my mind as to whether a plebiscite would be the best way forward.

I understand all of the arguments in relation to the negative campaigning that would be unleashed through a plebiscite, similar to the horrendous statements that we have heard from some of our colleagues in this place against people of the LGBTI community, simply because of their opposition to changes to the Marriage Act. This type of campaign happens already, and I can only concur with my colleagues that this would be turbocharged during a national public debate for a plebiscite. Without a conviction-led campaign from the Prime Minister of the day, it would be very hard to overcome the negativity and hate that would be spread. On reflection on this issue, the thing that strikes me most is how we got to a situation where in this place, despite the fact that I believe support is overwhelming in the Australian community and the numbers have grown significantly over the years to a majority of parliamentarians
supporting these changes, we are today debating a piece of legislation that has been designed
to derail the momentum towards marriage equality.

For far too long gay and lesbian Australians, members of the LGBTI community, have
been forced to sit in silence and see the rest of us debate their fate and their dignity, and it is
time that ended. For far too long this issue has been used as a political football. I would argue
that no one side is immune from that criticism. But of course those who want to undermine
this reform from happening have been the strongest in their opposition and their public
commentary and most naked in their political tactics to undermine and overthrow the
momentum to marriage equality. Sadly, blocking this plebiscite bill today will not achieve
marriage equality. It definitely will not stop the nasty campaign that is run against equality by
opponents. It will not stop people who continue with their hate. In saying that, we must
confirm and ensure that neither will it stop the momentum and desire for this equality to
finally be achieved. The people who do not want to see same-sex couples in this country
being able to marry and have their love recognised will not stop hating today, whether this bill
passes or fails. It is our job as supporters of equality to rise up, raise our voices and ensure
that no longer are members of the LGBTI community in Australia left silent, sitting on the
sidelines. It is our job to ensure that we use this as the turning point to achieve true equality in
this nation before any more hate is unleashed.

The Prime Minister, Malcolm Turnbull, is on notice to stand up, advocate his support and
put himself on the line to prove that he stands for something other than his title and other than
his own political survival. This is the moment the bill goes down. It does not have support in
this place. This is the moment for Malcolm Turnbull to prove that he can stand for something
during this term of leadership. He should grant a free vote to his members and ensure that
marriage equality can pass, as it should, in this term of the parliament.

He must not be afraid of the ideologues and the haters who sit in his party room. He must
not be afraid of those doubting voices who sit on the sidelines outside this place and continue
to put pressure on both his party and, indeed, the Labor Party to frustrate this reform
happening. This is an opportunity for Malcolm Turnbull to actually stand for something. I will
not hold my breath, but I hope for the sake of the future of our country, for a step forward in
achieving equality and for getting us to a respectful place in the eyes of the rest of the world,
that the Prime Minister reflects on this issue properly and decides to take on that argument
and debate in his own party room. We know the majority of his own members support this
reform happening—they just need a champion. Many people thought the Prime Minister was
that champion, and, to date, he has failed dismally.

Sadly, over the last few years of watching this debate unfold in this place, while the
number of supporters across both sides of the chamber for marriage equality to be achieved
has grown, I have seen very little evidence of genuine cooperation across party lines. If we are
to vote down this plebiscite today, we must ensure that this is the turning point to achieving
marriage equality with a vote in this place. That means some of us are going to have to put
down our own bows and arrows and our own political pride and start working together to
achieve what we know the Australian community desperately wants to see happen and needs
to see passed.

I want to be very clear in saying that it is not that I do not believe a plebiscite would be
supported by the Australian people, because the Australian people overwhelmingly want to
see this reform happen. But without a champion from the Prime Minister's office and down, with a system and the make-up of this plebiscite being nonbinding and with public funds going towards campaigns that we know will be designed to tell a particular section of the Australian community that they are second-class citizens, I cannot support this piece of legislation before us today. This bill going down will not achieve marriage equality, however. As I have said, it is now time to regroup, to cooperate and to band together to see this reform pass this place. It is time to end this sorry saga of politicking over marriage equality. It is time to put aside the idea that it is okay to use the love of other people and the respect of their relationships as political playthings. It is time for those of us who are supporters to stand up in our parliament, in the community and in our party rooms against those who are ideologically opposed because they believe it will impact on them and their religion.

We know that that is just simply not true. Australia is a secular society; we have a secular parliament. As somebody who subscribes to the Christian faith, I feel totally comfortable with the idea that two people who love each other, respect each other and want to spend the rest of their lives together should be able to do that. Their rights to have that love celebrated and respected in law does not diminish the rights of anybody else. We pass laws in this place all the time that allow some people a hand up when it is needed and support when it is needed to ensure that we have a society that bases itself on the notions of equality, justice and basic fairness, and that is what this issue is about. Yes, it is about love; yes, it is about respect in relationships and equality under the law. But, overarching all of that, it is a matter of human rights and ensuring that every Australian is treated equally. There are no second-class citizens in this country, and it is time that we amend the law to ensure that that is reflected in marriage, in law and in love.

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (12:21): I am also grateful for the opportunity to place on the parliamentary record a few brief remarks regarding my own position on the proposition that is now before us—the Plebiscite (Same-Sex Marriage) Bill 2016.

I came to the Senate as a constitutional and a parliamentary conservative. I believe that our Constitution and our tradition of respecting parliamentary sovereignty have contributed to Australia's remarkable democratic stability since 1901. It is the protection of both our constitutional and parliamentary traditions in this country that leaves me unable to support the current proposal to hold a plebiscite on the question of same-sex marriage.

I do not think any of us in this place sought election to it because we wished to undermine this great institution. For all of its faults—and it is still imperfect—this parliament has time and again shown it is capable of dealing with the big questions of the day. Do we really want to be the first generation of modern parliamentarians who effectively say that we are not capable of resolving difficult issues? In contracting out our responsibility as legislators that is effectively what we would be doing. After doing that just once, how would we look our electors in the eye again and ask them to place their trust in our judgement on future issues? If we set a precedent of holding a public vote on a policy question then we will come under pressure to do so more and more frequently, particularly on issues which give rise to strong personal ethic or religious considerations. If this plebiscite proceeds, I fear it would not be the last. Indeed, I suspect plebiscites would be used more and more frequently and possibly for far less honourable ends.
There may be some in the community who find the prospect of frequent public votes on policy issues an exciting one. But as a parliamentary and constitutional conservative I would see it as an abdication of this parliament's responsibilities, one that would undermine parliament's authority, make our system of government less stable and, over time, contribute to its political paralysis.

Our Constitution establishes a parliamentary system of representative government. As the respected former High Court judge Michael Kirby has written:

A plebiscite, as a precondition to legislation, is a totally exceptional procedure with no foothold in the Constitution.

As a lifelong constitutional conservative, I see this as a clear line in the sand. In submitting this policy question—significant as it is—to a plebiscite, we would be doing something entirely foreign to our constitutional tradition. Once it is undermined, there is simply no telling where it will end up.

It is worth noting that last month marked the 100th anniversary of Australia’s first plebiscite in 1916. In framing my position, I have been curious that when Australia’s Constitution was being framed in the late 1890s plebiscites were not made part of its final design. Then, in the adolescence of our Federation, we experimented with plebiscites on two occasions: firstly in 1916 and then in 1917. But we have not experimented with them in any meaningful way since. For me, this speaks to the realisation that plebiscites are not and should not be a feature of our democratic culture in Australia.

Former Prime Minister John Howard, who, for me, is the greatest living conservative figure, said in February this year that when it comes to the question of same-sex marriage:

I would've preferred it being dealt with in the Parliament … on a completely non-partisan basis, I think those issues are always better dealt with in a free vote.

Likewise, the Premier of my own state, Colin Barnett, has said:

… it is my view that the matter should be decided by federal parliament, without the need for a plebiscite.

His views have been endorsed by other senior colleagues in the Western Australian government, including the education minister, Peter Collier, and the emergency services minister, Joe Francis.

Our federal parliament has dealt with issues pertaining to marriage, including its definition and its dissolution, on no fewer than 20 occasions since 1961, all without recourse to a plebiscite vote. I fully understand and accept that the question of same-sex marriage is an issue that gives rise to strong passions in the community, but those passions were no less strong in 1961 or, indeed, in the mid-1970s when no-fault divorce laws were introduced and yet our parliament was able to rise to those occasions. Likewise, in a contemporary context, both immigration and euthanasia raise strong passions. Yet I have heard no credible voice and certainly no-one in this place saying we should submit those issues to a people's vote, despite their relevance to contemporary political debate. I of course would not wish to see either of those issues dealt with via plebiscite.

However, I am not a clairvoyant. None of us can be. That is why the question of precedent is so important and why we have a duty to think more carefully about the long-term implications of what is being proposed in this case. I shudder to think that we may see a day...
in this country where determinations about our right to freedom of speech and freedom of worship or on whether or not Australia accepts immigrants from a particular nation are made by a popular vote of the people at the expense of our parliamentary system of government. It sounds like a ridiculous notion. Indeed, I hope it is a ridiculous notion. But I would prefer that we in this parliament do not expose future generations to that real risk. That is why I am passionate about protecting the foundational principle of parliamentary sovereignty. I believe we as parliamentarians have a responsibility to seek the best way to resolve difficult issues rather than the easy way to resolve them. I do not believe a plebiscite is the best means for resolving this question, and I believe it will forever and irretrievably undermine the principle of parliamentary sovereignty which has served our country so well.

Debate adjourned.

Ordered that the resumption of the debate be made an order of the day for a later hour.

PARLIAMENTARY REPRESENTATION

Qualifications of Senators

Senator RYAN (Victoria—Special Minister of State and Minister Assisting the Cabinet Secretary) (12:28): by leave—I move:

That, pursuant to section 376 of the Commonwealth Electoral Act 1918, the Senate refers to the Court of Disputed Returns the following questions—

(a) whether, by reason of s 44(v) of the Constitution, or for any other reason, there is a vacancy in the representation of South Australia in the Senate for the place for which Robert John Day was returned;

(b) if the answer to Question (a) is "yes", by what means and in what manner that vacancy should be filled;

(c) whether, by reason of s 44(v) of the Constitution, or for any other reason, Mr Day was at any time incapable of sitting as a Senator prior to the dissolution of the 44th Parliament and, if so, on what date he became so incapable;

(d) what directions and other orders, if any, should the Court make in order to hear and finally dispose of this reference; and

(e) what, if any, orders should be made as to the costs of these proceedings.

This is not a matter I expected to deal with at any point in my ministerial career, nor is it one that I relish. But it is a very important matter and one that has been given due attention. I would like to outline to the Senate the matters involved and the course of action taken by the government in dealing with them. As the President has outlined, I have provided the President with a statement of facts regarding the issue and the documents relevant to determining the advice received by the government. I do not intend to restate those as the President has tabled them in this chamber. The course of events, however, is a matter I wish to outline. I should clarify at the outset that my references to legal advice from the Australian Government Solicitor and Mr David Jackson QC referenced in this speech are not a waiver of the Commonwealth's privilege in that advice.

My involvement in this matter commenced as a consequence of my being sworn in as Special Minister of State on 18 July. I should say that matters prior to my swearing in are not from my direct experience, but I will set out a short statement of facts. My colleague Senator Cormann will, in the speech that follows, provide further details.
In January 2014, then Senator elect Day indicated he did not wish to use the Gilles Street electorate office vacated by a defeated senator as his own electorate office. Instead, he proposed that he use a building he then owned as his electorate office. This is the Fullarton Road property in question. Following advice, then Special Minister of State, Senator Michael Ronaldson, indicated the Commonwealth’s willingness to consider this request upon certain conditions being met, confirming the verbal advice from Senator Day that his interest in the building had been disposed of. In October 2014, Senator Ronaldson wrote to Senator Day, and Senator Day accepted the terms of the agreement.

In November 2014, the Department of Finance undertook a title search, which confirmed the property was formally transferred to Fullarton Investments in September 2014. In February 2015, heads of agreement were executed for Senator Day’s electorate office. Senator Day moved from the Commonwealth parliamentary office to the Fullarton Road office in April 2015. On 1 December 2015, the lease for the electorate office was formally executed. The office was to be rent free from 1 July 2015 to 14 August 2016, or earlier if the vacant Gilles Street electorate office was sublet by the Commonwealth.

On 2 August 2016, Senator Day was declared re-elected at the 2 July election of the both houses of parliament. On 4 August, Senator Day approached me regarding the lease, including the matter of payment of rent. I indicated I was not familiar with the details and would look into it. On 7 August, Senator Day responded to me raising and dismissing any concern with section 44(v) of the Constitution. This is the first time I recall section 44(v) being raised with me. Over subsequent days I looked into the matter. My office met with officials from the Department of Finance regarding the background to the terms of the lease, including being made aware of the key fact that no rent payments had been made but also that the Commonwealth became liable for payments from mid-August.

On 16 August, I met with Senator Cormann, as the former Special Minister of State, who outlined his decision that no rental payments were made. On 18 August, a further detailed discussion was held between myself and officials regarding the lease and specifically the possibility of an issue arising with section 44(v) of the Constitution. Following this conversation, I made contact with the Attorney-General later that morning. I explained the situation and facts. Senator Brandis asked for further information to allow him to form a preliminary view.

Later that morning, I subsequently informed the office of the Prime Minister, by telephone call to his Chief of Staff, that there was an issue with respect to the electorate office of Senator Day, that there were potential issues about which I had contacted the Attorney-General, that I was seeking advice and that if this matter was raised it was to be referred to me. I subsequently mentioned to the Prime Minister that I had a conversation with his Chief of Staff, outlined the terms of that conversation and that matters that related to this were to be referred to me.

On 23 August, I met with the Attorney-General regarding the matter. He recommended that advice be sought from the Australian Government Solicitor. On 24 August, the Attorney-General’s office advised that more information was required and that I should write to Senator Day requesting this. On 26 August, I wrote to Senator Day and on 29 August he responded. This correspondence is included in the materials passed to the President and tabled. On the
same day I received it, the response from Senator Day was forwarded to the Attorney-
General's office for transmission to the Australian Government Solicitor.

At this point, I should also mention that I took a brief period of personal leave from the
chamber due to the arrival of my second son, Benjamin, on 25 August. On 8 September, the
Attorney-General's office informed that the Australian Government Solicitor required further
information from Senator Day, specifically a copy of the vendor finance agreement between
Fullarton Investments and Senator Day.

At this point, I need to declare another personal matter. On Thursday, 15 September, I had
to take unexpected and urgent personal leave, departing parliament around lunchtime, prior to
question time, due to the emergency hospitalisation of my newborn son. I returned to duties
the following week.

On 20 September, I requested a copy of the vendor finance agreement from Senator Day.
This was received from Senator Day on 26 September. On 4 October, the Attorney-General
informed me that he had received preliminary draft advice from the Australian Government
Solicitor. The advice was not conclusive. We discussed the matter and agreed that, given the
potential seriousness of the matter, an opinion should be sought from an eminent
constitutional silk. The Attorney-General recommended Mr David Jackson QC.

The Attorney-General and I briefed the Prime Minister in detail about the issues and the
legal advice later that day. It was agreed that eminent external advice would be sought from
Mr Jackson, as advised by the Attorney-General.

On 7 October, following verbal advice on 5 October, I formally advised the department to
terminate the lease on Senator Day's electorate office and the Attorney-General briefed Mr
Jackson to advise on the matter. I wrote to Senator Day and spoke to him informing him of
both these matters. I specifically outlined the concerns regarding section 44(v).

At this point, I would like to highlight that these matters were determined, acted upon and
communicated to Senator Day on Friday, 7 October prior to the resumption of parliament the
following week. This demonstrates the absolute integrity and bona fides of the government in
dealing with this matter.

On 12 October, via the Attorney-General's office, Mr Jackson requested further
information regarding the Day family trust. I wrote to Senator Day requesting this
information. On 25 October, as no response had been received from Senator Day, I called him
with the Attorney-General present. I made another request from the information. Senator Day
outlined that he had been occupied with personal matters and had not been able to do so yet,
but he indicated he would do so in coming days. Later that day he provided the information
requested, which was passed on to Mr Jackson.

On Thursday, 27 October after 5 pm, the Attorney-General's office received the advice
from Mr Jackson. At approximately 6.30 pm the Attorney-General made contact with me and
forwarded the advice. He indicated that he had also spoken to the Prime Minister. On the
morning of Friday 28 October, a teleconference was held between myself, the Attorney-
General, the Minister for Finance and the Prime Minister. It was determined to refer the
matter to the Senate by communication with the President of the Senate that day.

Later that morning, the Attorney-General and I made contact with the President of the
Senate to outline the matter and apprise him of the issues. I wrote to Senator Parry to formally
communicate this. Following this, I also made contact with Senator Day outlining the receipt of the advice and the communication of the issues to the President of the Senate.

This is a complex legal and constitutional issue. There is not a great deal of jurisprudence on section 44(v). The only significant authority is Sir Garfield Barwick's judgement in Webster's case. This issue does not relate to a direct pecuniary interest because Senator Day disposed of his interest in the building. It relates to the financial arrangements regarding the building and the lease for the electorate office with the owners. From the inquiries made and the advice received, the only source of income for Fullarton Investments appears to be the rental payment by the Commonwealth under the lease and rental, if any, payable by other entities in occupation of the Fullarton Road property. Fullarton Investments is thus dependent upon the Commonwealth rental payments under the lease to enable it to pay the amounts falling due from time to time to NAB, pursuant to the mortgage to NAB and pursuant to its arrangement with B&B Day Pty Ltd. Senator Day is a beneficiary under the Day Family Trust, the trustee of which, B&B Day, is also liable to NAB for those obligations. Senator Day had given a guarantee and indemnity to NAB for the performance by B&B Day of its obligations under the facility agreement. If, as happened, the Commonwealth does not pay the rent to Fullarton Investments, effectively he has to pay. These facts lead to a conclusion that an indirect pecuniary interest within the meaning of section 44(v) of the Constitution may exist. But this is a matter for the court to determine, not myself as minister, not the government and not the Senate.

To bring my contribution to a conclusion, while the government has received advice, it is important to note that this is not determinative. I am not able to make a determination on whether there has been a breach of the constitution in either a personal or a professional sense—not being a lawyer—not in a formal sense as a decision-maker. No decision of the government or this chamber can determine the matter. This is rightly and properly a matter for the court to determine. As I have outlined to the chamber, without jumping to conclusions, without prejudging serious issues and without attempting to determine complex constitutional matters, the government has taken every step to explore this matter, seek further facts and then take the appropriate steps to bring these matters to the appropriate body for consideration—that is, this chamber—under section 376 of the Electoral Act. The only party that is competent to determine this matter is the court. Accordingly, I move the motion to allow the court to consider the matter and make a determination.

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (12:38): I speak in support of the motion and, in so doing, seek to provide some further context. I was appointed Acting Special Minister of State on 29 December 2015. A few hours after that appointment, that same day, I received a letter from then senator Bob Day by email in relation to arrangements related to his Fullarton Road electorate office. I will table this letter and my reply at the conclusion of my remarks. This is, incidentally, the only correspondence between then Senator Day and me in relation to his electorate office at 77 Fullarton Road, Kent Town.

The 29 December 2015 approach by then Senator Day in relation to his electorate office was, I believe, the first time I became aware of the arrangements put in place in relation to then Senator Day's electorate office. I was told that: (1) then senator Bob Day had occupied the premises at 77 Fullarton Road, Kent Town, as his electorate office since April 2015 after
relevant a heads of agreement had been executed in February 2015; and (2) a lease agreement
with a commencement date of 1 July 2015 was later executed on 1 December 2015, although,
consistent with relevant terms and conditions in the lease, no rental payments were made.

It is important to note here that at the time of executing either the heads of agreement in
February 2015 or the lease on 1 December 2015 the Department of Finance was not
concerned that then Senator Day still had any interest in the 77 Fullarton Road property.
Specifically, former special minister of state Michael Ronaldson had agreed to enter into the
heads of agreement and the lease on the express basis that he had satisfied himself that: (1)
then Senator Day no longer had an interest in the 77 Fullarton Road property—this was
expressly confirmed by then Senator Day and also confirmed by the department through
relevant title searches at the time—and (2) there would be no net cost to the Commonwealth
in entering into the heads of agreement and the lease compared to the scenario where then
Senator Day had accepted the earlier request and preference by the Department of Finance to
occupy the electorate office premises vacated on 30 June 2014 by then former senator Don
Farrell.

As early as October 2014, former special minister of state Michael Ronaldson had already
imposed a number of terms and conditions on then Senator Day for the establishment of his
electorate office at 77 Fullarton Road; specifically: (1) to pay, himself, for any necessary
upgrade to bring the Fullarton Road property to government standards; and (2) no rent woul
d be paid by the Commonwealth for the electorate office at 77 Fullarton Road until either the
Don Farrell office had been sublet or the lease on that office came to an end on 14 August
2016, whichever was sooner.

In his 29 December 2015 letter to me, then Senator Day complained that over a period of
18 months since he took office and had declined to occupy the Farrell office the department
had not been successful in subletting that office and that as a result, in addition to having paid,
himself, for the upgrade of his electorate office, he had also been forced to pay rent for it out
of his salary since moving into the 77 Fullarton Road premises in April 2015. He requested
that the department now pay rent for the electorate office from 1 July 2015, being one year
after the beginning of his term as a senator for South Australia and the commencement date of
the lease.

In terms of my approach from that time, given it is the department's responsibility to
provide an elected member or senator with appropriate office accommodation, given that then
Senator Day by then had occupied the 77 Fullarton Road property since April 2015, with a 1
July 2015 commencement date for the lease of that property, given all relevant property title
searches and Senator Day's express advice to the department that he no longer had any
interest in the 77 Fullarton Road property, and subject to satisfactory evidence of the rental
payments made as claimed by then Senator Day being provided to the Department of Finance,
I was prepared to agree to this request. However, despite subsequent repeated requests by the
Department of Finance, then Senator Day did not provide any evidence of rental payments
which he asserted in his letter to me he had made. Instead, information he subsequently
provided to the department for the first time about vendor financing arrangements
underpinning his sale of the 77 Fullarton Road property and related financial arrangements
caused concern about whether then Senator Day in fact remained connected to the Fullarton
Road property.
In dealing with then Senator Day's ongoing requests for rental payments to be made, the department asked him whether then Senator Day had any interest in the lease agreement between Fullerton Investments and the Commonwealth and whether this could contravene section 44 of the Constitution. Then Senator Day denied any interest in the lease agreement and any section 44 implications if the government were to pay rent to the landlord at the 77 Fullarton Road property.

Subsequent to that—and aware of all the information that had emerged by then—on 18 February 2016, the Department of Finance advised me that it would be open to me to approve the payment of rent for the Day electorate office going forward from 1 March 2016. However, when asking to put in place this payment, further information came to light—namely, that the bank account to receive the rental payments was an account linked to then Senator Day. Given this, a conscious decision was made that the Commonwealth would not pay rent to the owners of the 77 Fullarton Road property in the circumstances, neither by way of reimbursement for the period from 1 July 2015 nor prospectively from 1 March 2016. In fact, at no stage during then Senator Day's occupation of the 77 Fullarton Road property as his electorate office did the Commonwealth pay any rent for those electoral office premises. I understood at the time that the non-payment of rent meant that any potential breach of section 44 of the Constitution had been avoided. Indeed, at no point did I receive any advice from the Department of Finance that the lease signed on 1 December 2015 in itself and in the absence of rental payments could cause a potential breach of section 44 of the Constitution.

In the meantime, on 8 May the general election was announced for 2 July 2016, and the government subsequently assumed caretaker mode. On 2 August 2016, then Senator Day was declared re-elected. On 4 August, then Senator Day again approached the government to complain that the rent for his electoral office had not been being paid by the Department of Finance. Given the renewed request for rental payments and the fact that from 14 August 2016 rent was due to be paid by the Commonwealth under the terms of the lease, the government decided to seek formal legal advice. Senator Ryan has gone in some detail through the relevant timeline and decision points since. When then Senator Day decided to pursue this issue again after his re-election on 2 August 2016, and given that the 14 August 2016 deadline under the lease was approaching, based on all the information the Department of Finance had accumulated by then, proper legal advice was able to be sought, with eminent independent legal expert David Jackson QC ultimately advising the government on 27 October 2016 that, in his opinion, the lease executed on 1 December 2015, in all the circumstances which had emerged since, in itself and even without rental payments being made was a breach of section 44 of the Constitution; specifically, in the context of all the new information the about the selling, financing and loan arrangements which had subsequently emerged. Ultimately, whether this is indeed the case is a question which has yet to be settled and can only be settled by the High Court, assuming the Senate refers this matter to the court for its consideration. That is why it is appropriate for the Senate today to refer this matter to the High Court to settle the constitutional position in relation to this issue.

In conclusion, and by way of a general point about how this matter was handled by the government and specifically by me, I would add this point: special ministers of state work in a non-partisan and confidential manner with members and senators from all sides of politics to facilitate their office and staff arrangements, among other things. Then Senator Day is not the
only one who challenged an initial finance department proposal or preference about where their electorate office should be located. Special ministers of state generally and, as appropriate, work with parliamentary colleagues in a non-partisan fashion to try and find appropriate solutions within the rules to help ensure that all of us can do the job we were elected to do, to the best of our ability. My approach as special minister of state in dealing with colleagues was to always operate in good faith on the information provided to me by members and senators. In relation to then Senator Day, the information which has emerged since the lease for his electorate office was first executed should now be reviewed by the High Court. Only the High Court is in a position to settle the constitutional questions raised by the legal advice the government received about these matters on 27 October 2016 and which the government referred to the President of the Senate the next day. That is why I commend the motion to the Senate.

I table the two documents that I flagged earlier.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (12:49): Mr President, this morning you tabled information which raises complex and difficult questions for the Senate to resolve. The government has come to the view that the eligibility of Mr Day to have been elected to this chamber is in doubt. Given the complexity of these issues, we agree it is desirable to send this matter to the High Court so that it may, as the Court of Disputed Returns under the act, resolve these matters beyond any doubt. Reference of this matter to the High Court sitting as the Court of Disputed Returns protects the interests of the parliament and the integrity of our electoral system. That is why this provision is in the Electoral Act, it is why we believe the government has done the right thing in moving this motion, and it is why the opposition will be supporting it.

Before I turn to the details of the motion before the Senate, I want to make this point: the opposition—and indeed, many Australians—believe that there are serious questions to be answered about the conduct of ministers of this government in this matter: who knew what, and when. How can it be that a government would contemplate, let alone enter into, an arrangement that appears to have left a senator ineligible to serve and, seemingly, ineligible to have been elected? What is clear is that this government was prepared to repeatedly turn a blind eye to Senator Day’s office arrangements to avoid losing a trusted Senate ally. This is a mess of the government’s own making. However, these are questions for another time, given the gravity of the motion before the chamber. For the purpose of this vote, the focus now needs to be on resolving the referral to the High Court so that these fundamental issues relating to the composition of the Senate can be resolved.

In the case of Mr Day, there are three substantive questions set out in the motion. The question at paragraph (a) goes to the heart of his eligibility to be chosen as a senator. As you know, Mr President, section 44 (v) of the Constitution provides that any person who:

- has any direct or indirect pecuniary interest in any agreement with the Public Service of the Commonwealth otherwise than as a member and in common with the other members of an incorporated company consisting of more than twenty-five persons;
- shall be incapable of being chosen or of sitting as a senator or a member of the House of Representatives.

Serious questions arise about whether Mr Day was ever eligible to be elected as a senator for South Australia. The facts as we now know them suggest that, from his first election to this
place in 2013 and before he took up his seat in July 2014, Mr Day was seeking to enter into an arrangement with the Commonwealth through the Department of Finance to rent his property at 77 Fullarton Road, Kent Town Adelaide.

The government has advice that the actions of Mr Day in structuring the ownership and payment for the property at Fullarton Road in the way he did created an indirect pecuniary interest in an agreement with the Public Service of the Commonwealth. On this basis Mr Day was incapable of sitting as a senator from the time of the agreement and, crucially, was arguably incapable of being chosen as a senator at the election on 2 July.

Whilst it was appropriate that the President tabled this morning some of the information the government has in its possession, it is still not clear that all relevant information is on the public record. This is a concern for the Senate, as the Senate should have all the relevant information before it in making this decision.

We must also ensure that the Court of Disputed Returns has before it all relevant information to enable it to best resolve the questions that the Senate refers. We believe it is essential that the government confirms that it will provide to the court all of the documents that were given by it to the Queen's Counsel who was asked to advise on the eligibility of Mr Day. The mere fact that such documents were thought to be of sufficient import to be given to counsel strongly suggests they should also be given to the court.

Whilst the government has tabled a range of information this morning, many senators are still at a considerable disadvantage in this debate, as we have not seen the legal advice that has led the government to introduce this motion. We have not seen the advice from David Jackson QC that brings the relevant facts together and analyses them in light of the provisions of section 44(v) of the Constitution, so members of this Senate are being asked to make a decision to refer a question relating to the membership of this chamber to the High Court without having all the information that is required.

This could have and ought to have been handled very differently. Several years ago a question arose relating to Senator Scullion and this same provision—and I am not saying this to impugn Senator Scullion in any way. Senator Scullion himself raised the issue in this place by writing to the President identifying the possibility that a contractual relationship between his family company and the Commonwealth might put him in breach of that section of the Constitution. Legal advice from counsel was obtained and tabled in this chamber, so all senators could understand the issues. This enabled the Senate to deal with the matter appropriately.

As I have made clear both privately and publicly to the government, the opposition will be supporting this referral. We believe it is the responsible thing to do. But I emphasise that the approach taken in the case of Senator Scullion would have been far preferable. It would have allowed senators to make a truly informed decision on this referral. It would have allowed greater public transparency around the matters which are at issue in Mr Day's case, matters about which there is considerable and understandable public interest.

The government has advice from a leading constitutional lawyer that could assist all senators. The advice relates to a question that is a matter for the Senate—not for the government alone—and it is extremely disappointing that the government will not assist the
Senate by providing this advice. On such an important issue the government should show us this advice.

Whilst the opposition is, as I said, disappointed that the government remains unwilling to provide senators with the advice that led the government to conclude that this matter needed to be the subject of the very motion we are debating, the opposition does acknowledge the government's decision to frame the resolution broadly. Question (a) asks the court to consider not just the prohibition on direct or indirect pecuniary interests in section 44(v) of the Constitution but also whether Mr Day was ineligible for any other reason.

This is of importance. If we look at the Wood case, we see that the original challenge to Mr Wood's election in the Nile v Wood proceedings was not founded on his citizenship. This aspect arose later. Whilst it appears that there is a serious prospect that Mr Day was incapable of sitting as, or of being chosen to be, a senator due to the very unusual arrangements that were put in place with respect to his electorate office, it is not necessarily clear that this is the only reason he may have been ineligible to be a senator.

Questions remain as to Mr Day's solvency, and there are questions relating to Mr Day's success in securing a government grant for an organisation of which he was a director. It is wise for the Senate to not construe this referral narrowly. Whilst determining Mr Day's eligibility to serve in the Senate is an important first step, determining the consequences of his ineligibility is also crucially important. This is especially so given Mr Day's purported resignation last week. Again, I put on record our appreciation of the government's willingness to draft the relevant question broadly.

From the facts, as set out by the government, the trigger for Mr Day's ineligibility occurred on 1 December 2015 when the Department of Finance entered into a lease for Mr Day's electorate office with Fullarton Investments Pty Ltd. It appears this lease continued in force until terminated by the Special Minister of State, Senator Ryan, on 7 October this year. If this view were to be accepted by the court, it would follow that Mr Day was, in the words of section 44 of the Constitution, incapable of being chosen as a senator in the election on 2 July. This would mean that Mr Day could not simply be replaced using the mechanism for casual vacancies set out in section 15 of the Constitution. If Mr Day had never been validly elected as a senator, he could not vacate a seat he had never properly held. If he were incapable of being chosen on 2 July, it must be determined who the people of South Australia actually chose from the eligible candidates at the election. It seems likely a recount will be necessary, but just how to conduct such a recount is a matter that the court would need to determine. This matter is further complicated by the changes to the voting system for the Senate made earlier this year. It will be a serious matter for the court to consider.

When Mr Wood was found ineligible for election, his below-the-line votes were distributed according to second preference. However, the issue of how to treat above-the-line votes for the Nuclear Disarmament Party ticket also arose. Section 168 of the Commonwealth Electoral Act required then, and still requires now, that, in order to have a group ticket, a party must have two or more candidates. The ineligibility of Mr Wood meant that the NDP did not meet that requirement.

Given the voting system as it stood at the 1987 election, if the ticket had been struck out, all votes given to that ticket would have been discounted. However, following the changes
made this year, section 239 of the Commonwealth Electoral Act now provides that to vote above the line for the Senate a voter must write at least the numbers 1 to 6 in the squares above the line. The ballot paper clearly states that to vote above the line a voter should number at least six boxes above the line. This means that if the Family First group ticket box is invalid, due to the combined effects of Mr Day's ineligibility and the operation of section 168, the votes of Family First above-the-line voters can still be counted by allocating them to the party that received the second preference.

Question (b) asked the court by what means and in what manner the vacancy should be filled. These are not simple matters. The interaction of above-the-line preferences and the requirements of section 168 have not yet been considered by the courts. These are issues we can expect that the court will have to consider carefully in the event that Mr Day was, in fact, ineligible to be chosen.

The third substantive question in the motion before the chamber asked the court to consider whether Mr Day was ineligible to sit as a senator in the 44th Parliament. I indicate that this is not a question that the opposition sought to have included in the motion but we accept that it is the government's preference to so include it.

Questions relating to the composition of this chamber go to the heart of representation in our democracy. Earlier this year we spent many hours debating what the rules for electing senators should be. It is unfortunate that we now find ourselves in the position of having to seek the guidance of the High Court to clarify who was properly chosen to sit in this chamber. It is a rare and unusual occurrence for this to happen. As I indicated at the outset, there are unresolved questions about how this situation arose. Whilst I do not intend to examine these in the course of this contribution, the opposition does intend to take seriously its role in scrutinising the decisions of the government that have led us to this point. They may also be reason for this Senate to look again at the processes around nominations and vetting candidate eligibility. Again, those are issues for another time. For now, I indicate that the opposition supports the referral of this matter and looks forward to the High Court's consideration and decision.

**The PRESIDENT:** Thank you, Senator Wong. In your speech you said that Senator Day purportedly resigned last week. It may just be a misuse of phrase, but he did resign and I tabled the documentation this morning.

**Senator WONG:** by leave—I was actually making a legal point, Mr President, because he was not a senator then. It was not a suggestion that you, as President, had done anything other than communicate the resignation.

**The PRESIDENT:** Thank you. Senator Waters.

**Senator WATERS** (Queensland—Co-Deputy Leader of the Australian Greens) (13:02): We are clearly in uncharted waters. The Greens accept that it is appropriate that the High Court should rule on the eligibility of Senator Day, given his apparent financial dealings with the Commonwealth and, perhaps, also the question of his own solvency, as well as ruling on the appropriate method for his replacement. So the Greens will be supporting this motion. We support the rule of law and the processes laid down in the Constitution to ensure that members of parliament have no conflict of interest between private and public interests when voting in this place on issues of national significance.
Senators, no doubt, will have heard the Greens raise these issues prior on the need for an anticorruption watchdog to oversee the federal parliament and the Public Service. You may well be tired of us sounding like a broken record; we are tired of unfortunately continuing to have cause to raise this issue. We will continue to raise it until this parliament joins the other state and territory parliaments around the country in establishing an anticorruption authority. In fact, the presence of a federal ICAC might even have prevented this situation from arising in the first place. Senator Day might have been warned that his actions could give rise to a perception of a conflict of interest, if not an actuality; the Department of Finance might have been more forceful in making it clear to the government that the leasing of an office that the senator had a proprietary interest in should in no way proceed; and, most importantly, an anticorruption commission would have influenced the decisions of the special ministers of state, who, apparently, overrode their department's advice and decided to give the helping hand of Senator Day's vote further assistance.

We know that the double dissolution did not go as the government had hoped, but the fact is that this whole situation stinks, and what looks like the government's deliberately ignoring the advice of the department in order to keep a vote in the bag is a very bad look indeed. It is no surprise that the public has such a low opinion of politicians when this is the sort of betrayal of public trust that we see. This is exactly why we Greens have, for the last three parliaments, proposed the establishment of a national ICAC, first under then Senator Bob Brown, then again under then Senator Christine Milne and in this parliament in the name of Senator Richard Di Natale.

An anticorruption watchdog, clearly, would regulate the behaviour of MPs. As well as sanctions for breach, its mere existence would improve the quality of conduct in this place. We have seen, sadly, the atrocious record of the ministerial code of conduct, and, voluntary as it may be, we know that it is still meant to be adhered to by ministers in this place. Sadly, it has been shown to be a toothless document that is not enforced by this government, or the last for that matter. The ministerial standards require a cooling-off period of 18 months for any lobbying or advocacy activity, but we have seen the former minister for resources, Ian Macfarlane, going to be a lobbyist for the Queensland Resources Council not 12 months after having been the resources minister; Martin Ferguson, go on to become a lobbyist as chair of APPEA one month after leaving this place; and Andrew Robb, who was just appointed as a consultant to a Chinese company operating the Darwin port six months after being trade minister. Clearly, the ministerial standards are too weak.

This is exactly why we need to not only strengthen them but also to introduce a national ICAC. As I said, this will have the effect of not only giving MPs the assurance of some advice on whether grey areas should be pursued but also will also ensure a higher standard of conduct in this place. If we had an anti-corruption watchdog, the public would have been able to know how long this government knew about the potential cloud over the validity of Senator Day's election and re-election. Instead, we see continued dodging by this government about when they knew, what they knew, why they did not act earlier and why, indeed, they did not act upon the department's advice not to enter into that lease.

If we want to prevent constitutional dilemmas, the regard that the public has for politicians and reduce the possibility for misconduct in public office then we need an overhaul of our
anticorruption laws and we need a federal ICAC. We support this reference and we urge all parties to support the Greens' bill to set up a federal anticorruption body.

Senator LEYONHJELM (New South Wales) (13:06): I was not going to participate in this debate, but I cannot let that last speech go by. There is no imputation of corruption here, and it is utterly disgraceful of a senator to suggest there is. Former Senator Day is a good and decent man. What he was trying to do in relation to the arrangements with his office was save the taxpayers money and provide a better working environment for his staff. There is no imputation of misconduct either, and the suggestion of linking it to a federal ICAC is utterly disgraceful.

This is a complex legal question: whether or not he was in technical breach of the Constitution in relation to the guarantee of the loan on the office. That is the issue. There is no legal certainty about this, as Senator Ryan pointed out. This is a matter for the court, and, until the court decides this, there should be no stones thrown. I am very confident that the court will come back and say this is too remote a pecuniary interest to actually be in breach of the Constitution, but in any case it is absolutely not corruption.

Senator HINCH (Victoria) (13:08): Today we have had both the government and the opposition express concerns about the eligibility of two senators. I do support the Senate taking the matter seriously and will support it. Nobody should stand for office when ineligible, and parties should be thorough in vetting their own candidates. The government and the opposition have focused on the integrity of the electoral process as guided by section 44 and other relevant sections of the Constitution, but I think there is another element of this matter raised today to consider: dual citizenship. I want to foreshadow that I will lodge a notice of motion that there should be a review of all senators' and members' eligibility based on their citizenship at the time that they were elected this year and at previous elections.

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (13:09): I welcome the opportunity to speak briefly to this motion. As outlined by Senator Wong, the opposition will support this motion, which seeks to refer pursuant to section 376 of the Commonwealth Electoral Act a number of questions about the qualification of Mr Day to the Court of Disputed Returns. We do so on the basis of due and proper process, a concern for the integrity and stability of our parliamentary system and the need for certainty about the lawful status of individuals who sit as senators representing the Australian people in this place.

The opposition's overriding concern is to resolve these complex matters in an orderly manner with an eye to protecting the institutional norms of the Senate and the integrity of electoral law in this country. The role of the Senate in matters of this kind is spelled out in the Commonwealth Electoral Act. Section 376 of the Commonwealth Electoral Act gives the Senate the power to refer questions about the qualification of a senator or in relation to vacancy to the High Court carrying out its function as the Court of Disputed Returns. Section 377 provides that the President of the Senate:

… shall transmit to the Court of Disputed Returns a statement of the question upon which the determination of the Court is desired, together with any proceedings, papers, reports, or documents relating to the question in the possession of the House in which the question arises.

It is worth remembering that, while questions about the qualification of senators were originally the sole jurisdiction of the Senate by virtue of section 47 of the Constitution,
successive enactments since the passage of the 1902 version of Commonwealth Electoral Act have had the effect of largely transferring this power to the courts. While there are questions about what residual powers this place might still have in these matters, I think we would all concede that judicial resolution of questions relating to qualification of senators and disputed returns has the advantage of removing some elements of the political calculus that potentially attend and potentially colour parliamentary adjudication.

Notwithstanding the progressive transfer of jurisdiction to the High Court, the Senate's power of referral in this matter is significant. Where a motion of this—thankfully rare—kind is proposed, the Senate has a role to consider whether the known circumstances are sufficient to reasonably generate the questions of the sort that warrant a referral under section 376. The Senate must act as a filter, determining whether or not there is adequate cause to involve the court.

In agreeing to this motion, the opposition has had regard to the facts as they are currently understood, the relevant provisions of the Commonwealth Electoral Act, relevant constitutional matters and the broader role of the Senate and its practice in exercising its referral powers in these matters. The opposition has determined that, on balance, the circumstances do reasonably and, in fact, necessarily generate the questions that have arisen and which appear in the motion, and that there is sufficient cause to involve the court.

The provisions contained in section 44 of the Constitution establish five grounds for disqualification, any one of which, where it is found to apply to a person, renders that person 'incapable of being chosen or of sitting as a Senator'. Odgers' *Australian Senate Practice* draws attention to the rationale of the disqualification provisions embodied in section 44. For the broader context, what Odgers has to say is worth repeating in full:

The rationale of these disqualifications provisions is that they prevent senators being subject to undue external influence which could prejudice their performance of their duties. A person having an allegiance to a foreign power could be unduly influenced by that power. A person under sentence for an offence is subject to the control of the executive government. An undischarged bankrupt or insolvent is subject to the control of creditors or the courts. A person holding an executive government position could be subject to undue influence by the executive government. The granting of a pension at the discretion of the executive government could obviously be used to buy allegiance of senators. A person having an interest in an agreement with the Commonwealth could similarly be subject to such undue influence, and could also be influenced by personal interest in performing the legislative duties of a senator.

Paragraph (a) of the Day motion seeks to put before the court the question as to:

… whether, by reason of s 44(v) of the Constitution, or for any other reason, there is a vacancy in the representation of South Australia in the Senate …

Section 44(v), of course, relates to disqualification on the grounds that a person has 'any direct or indirect interest in any agreement with the Public Service of the Commonwealth'. The question in paragraph (a) arises from the known circumstances available in the public domain and now with the tabling of certain documents by the President in this chamber this morning about Mr Day's intention to seek to enter into an arrangement with the Commonwealth through the Department of Finance to rent his property at 77 Fullarton Road, Kent Town, Adelaide. The Senate, again through information in the public domain and through the tabled documents this morning, is aware that the government has received advice indicating that the arrangements Mr Day put in place to rent his property in the way that he did could create a
pecuniary interest in an agreement with the Public Service of the Commonwealth that engages section 44(v).

As Senator Wong has made clear, there is an asymmetry between the Senate's knowledge of all the Day matters I have just mentioned and the government's knowledge. Nor does the Senate have the benefit of the legal advice prepared by David Jackson QC and provided to the government as to how the facts interact with section 44(v) and what the High Court, sitting as the Court of Disputed Returns, might make of it all. This is all information that the government is uniquely placed to provide but, for whatever reason, has chosen not to. The Senate must be confident that a complete and comprehensive record of documents has been provided to this chamber in order to facilitate and support debate on this motion, but also in transmitting those same records to the Court of Disputed Returns as envisaged by section 377 of the Commonwealth Electoral Act.

Earlier, Senator Wong contrasted the handling of the matter before us with the handling of a section 44 matter in relation to Senator Scullion. In that case, the Senate was involved from the outset, it was given all the facts of the matter and was able to assess legal advice as to how those facts interacted with section 44(v). The proper course for the government to have followed in this matter would have been for it to have provided a complete statement of the facts as they were known and to have tabled in this place all the papers, documents and other information, including any legal advice, that it has received. Such an approach is not a mere courtesy on the part of the government but a fundamental obligation it has to the Senate in the performance of the Senate's accountability and scrutiny functions. It is also an important protection to ensure that vexatious or frivolous referrals are not sought from the Senate in the pursuit of some broader political objective. Given the Senate's role as a referrer and as a filter in these matters, the Senate is at a distinct disadvantage to fulfil its deliberative capacity by anything short of a full and timely disclosure on the part of the government.

This motion is not about accountability of the government to the parliament, but about the resolution of legal questions. I will return to these in a moment. However, the involvement of the government in some of the events that have led us to the point where we find ourselves today will remain of ongoing interest to the Senate.

Non-government senators should be debating this motion on the basis that the government have provided a full and comprehensive record of all of the documents available to them in relation to Mr Day's case. But we already know that is not the case, with their open refusal to provide their legal advice pertaining to the matters directly invoked by this motion. It is a legitimate concern for the opposition to raise these points and for the Senate to consider whether the Court of Disputed Returns will have before it all relevant information to enable it to best resolve the questions that will be referred. The reason for this concern is that the government have already indicated that they do not intend to provide to the court all of the documents that were given by them to the QC who was asked to advise on the eligibility of Mr Day. It is also entirely possible that there are other important documents in the possession of the government which should be transmitted to the court. Surely, in a matter of such constitutional importance, all efforts should be made to make sure the court is fully informed when it deals with the questions before it. The integrity of the process, the transparency of the process and the trust in the process demand nothing less.
Despite the concerns we have raised about appropriate access to information the opposition is satisfied, from the information available, that there are reasonable questions that the court needs to address in relation to section 44(v). The way in which the motion is drafted allows the court to consider other reasons that Mr Day may be found to have been incapable of being chosen or of sitting as a senator; that is, beyond the matter of the rental of the Fullarton Road property. This is appropriate. The matter of Mr Day's solvency and the awarding of a grant to North East Vocational College, of which Mr Day was a director, also offer up potential reasons for disqualification. The motion before us enables the court to examine these issues as it sees fit.

In the event that the court finds that there is a vacancy created as a result of Mr Day having been found to be incapable of being chosen as senator or to sit in the Senate, paragraph (b) of the motion asks the court to set its mind to both the means by which the vacancy has arisen and the manner in which the vacancy should be filled. The manner of Mr Day's ineligibility, should it be found by the court to exist, has significant implications for how the question of remedies might be adjudicated. As Senator Wong pointed out, in the event that the court determines that 1 December 2015 is the date on which Mr Day became ineligible as a result of the leasing arrangements that were put in place between the Department of Finance and Fullarton Investments, then it is open for the court to find that Mr Day was, from that point forward, ineligible to sit in the Australian Senate and was also incapable of being chosen as a senator at the 2016 election. In these circumstances, the prospect of Mr Day being replaced, not as a casual vacancy but through a recount, becomes a live question. Paragraph (b) of the motion permits the court to consider the method by which a recount would be conducted in such circumstances. It also leaves the court open to consider whether the Family First box on the South Australian Senate ballot paper was valid, given that the group ticket requirements could be found not to have been met by reason of Mr Day's ineligibility. If this line of reasoning were adopted, the court would be open to rule that above-the-line votes are to be allocated to the party that received voters' second preferences. These are all matters which, under this motion, sit appropriately within the ambit of the court.

These are serious matters with potentially serious outcomes. The opposition regards this motion as opening up the proper path towards their resolution.

Senator HANSON-YOUNG (South Australia) (13:20): I rise briefly to speak on this motion, seeing as this is of immense importance to the people in South Australia.

To be totally frank, Bob Day came to this place telling us that we do not need regulation and that we do not need public money being spent on business. What we now know, of course, is that Australians need stronger regulation of builders like Bob Day. We also know that he has had his hand in the till, seeking public money to pay for his apprentices through the trade's training school. Of course, there is also the issue of much discussion here today in relation to his electorate office. Hypocrisy and selfishness—this is what has caused chaos in this place today and that is why we are debating this motion.

I think the reality facing Bob Day is that he was blinded by his own sense of self-entitlement. I support the referral of this motion to the High Court. Bob Day has not just let himself down or his party down; he has let down the people of South Australia. I strongly support the comments of my colleague Senator Larissa Waters: it is time we had a federal
Senator RHIANNON (New South Wales) (13:22): I rise to support the comments of my colleagues Senators Larissa Waters and Sarah Hanson-Young. The Greens have considered the statement of facts issued by the Turnbull government on both former Senator Day and current Senator Cullen and will agree to both motions being moved today. The Day case puts a spotlight on the Abbott-Turnbull government. While the motion before us may be about former Senator Day, the government cannot duck scrutiny on this critical issue. The evidence indicates that the government's hands are not clean. We have heard a very good case put by my colleague Senator Larissa Waters about the need for a national ICAC. So many of these issues could have been referred to a national ICAC, if we had established one long ago. And then there is the very relevant issue of political donations. The disclosures from Mr Day about his companies throw some light on what has happened here but do not give a full explanation. In judging Mr Day's eligibility to be in the Senate, the spotlight does land on the coalition government, what they knew about the constitutional breach and when they knew it. But from the statement of facts that we have received and from the speeches that have been made here today this is still not clear.

What we do know is that the government have received critical advice from a constitutional expert, but they have not shared that with us. This will just add to people's suspicions about what is going on with the government. What are they trying to cover up? When we have these sorts of problems, we all know that we have to admit all evidence. We have to be fully honest and admit what the problem is, and then we can start to rebuild. But the government have not done that today. The government cannot put a ring fence around Mr Day and make out that is what it is all about. It is not just about Mr Day; it is about how this government operates. They knew there was a problem from the time of the 2013 election and also when Mr Day came here in 2014. Why did senior ministers ignore the advice of the Department of Finance? That is critical. Again, it has been referred to the High Court. What we have heard today opens up many issues which we as a Senate have a responsibility to deal with. The abuse of money, process and standards could well reach into the offices of the current Prime Minister and the former Prime Minister. What is the role of Senator Cory Bernardi? His name does come up when we read into how this issue played out with the building that Mr Day wanted to use for his headquarters. While the government was turning a blind eye to Mr Day's plans or was helping to facilitate them, what was the government getting in return? Again, this needs to be put on the record. What they were getting in return was a reliable supporter and a regular voter whom they could depend on. These are not unconnected issues. It needs to be put on the table that this is not just about the High Court. The genie is out of the bottle. We have to put everything on the table if we are to learn and carry out our work in a responsible way as senators. There is so much here that is related.

What makes the Day case even more breathtaking is that we know that Mr Day left more than 200 families in financial stress and with no home. Again, this has been forgotten in the debate. It is absolutely disgraceful; it is so central to what we are talking about. That is the position which Mr Day has left these people in. What was he about to rock into the Senate to do? It was to vote on the ABC legislation—one of the most ruthless pieces of anti-worker, anti-union legislation that has come through this parliament in its many decades of operation.
Here is somebody who was abusing people within our society who wanted a home. This is one of the main aspects of the construction industry, and he was abusing that. It is the area that needs to be regulated. But what did we just hear from the government about the ABCC? We already know that if there are problems in the union movement, if criminal acts have been taken, all the laws are there to deal with them. There has been ruthless propaganda to weaken the system of regulation, as my colleague Senator Hanson-Young identified so clearly. Senator Day came in here to weaken regulation. He hitched his wagon to the coalition to try and achieve that, and, meanwhile, he becomes the example, the poster child, of what happens when you rip away regulation. That is where this parliament, this government, should be concentrating in order to assist ordinary people who have been so ripped off.

But let us move on to some of the issues around political donations. The AEC records show that Mr Day's slackness was not confined to running a building company or the renting arrangements for his own office. A conservative estimate is that Mr Day and his companies donated more than $2 million to Family First. So Mr Day was spending the money from the companies, which should have been available to finalise the building of homes for those more than 200 families, on fast-tracking himself into the Senate—twice.

**The PRESIDENT:** Order, Senator Rhiannon. I have been fairly liberal in allowing the debate to range from the topic matter. You have consistently stayed off the key topic matter. You are speaking about the personal qualities or otherwise of former Senator Day. I have two concerns: firstly, you are not sticking to the subject matter, which the standing orders require, and, secondly, you are reflecting on a now member of the public who may not have the right to defend himself. Could I ask you to consider those comments as you continue your remarks, Senator Rhiannon.

**Senator RHIANNON:** Thank you, Mr President, for your advice, but I do understand that Mr Day, as a member of the public, does have the ability to challenge anything that I or anybody else says. So I think that is possible. I will move on, but I certainly stand by my comments that there are many more aspects to this issue than what will be dealt with by the High Court. The referral itself, which is what I have been dealing with, puts a spotlight on these other matters that a responsible Senate would deal with. As we know, the evidence suggests that Mr Day was aware of the possible breach prior to his election. We also know that concerns around section 44 were on the government's radar. It appears that the government ignored the advice of the Department of Finance in approving the questionable leasing arrangement. A relevant question is: how much did the government know before the 2016 election? We are still not clear on this despite speeches from more than one minister today. We are starting to feel that the fog is descending, rather than the clouds lifting, on this one.

On top of all this—and I am sure the President will not be happy about this—I will just make brief mention of the issue of the training grant. My colleague Sarah Hanson-Young has made reference to it. There is also a cloud over the interaction between the government and Mr Day on this issue.

At the moment, as I said, the Greens are pleased to support this. I think there have been very important contributions on the need for a national ICAC and political donations reform. And if this Senate is doing its job, we need to return to many other aspects of how the government interacted on this.
Question agreed to.

The PRESIDENT: Before I call you, Senator Brandis, I would indicate to the Senate that I was aware that the government, through the Australian Government Solicitor, has applied to the Armidale Local Court of New South Wales for three orders. There are certificates of orders from that court relating to Senator Culleton. Those three orders have been provided to me and I now table them.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (13:31): by leave—I move:

That, pursuant to section 376 of the Commonwealth Electoral Act 1918, the Senate refers to the Court of Disputed Returns the following questions—

(a) whether, by reason of s 44(ii) of the Constitution, or for any other reason, there is a vacancy in the representation of Western Australia in the Senate for the place for which Senator Rodney Norman Culleton was returned;

(b) if the answer to Question (a) is "yes", by what means and in what manner that vacancy should be filled;

(c) what directions and other orders, if any, should the Court make in order to hear and finally dispose of this reference; and

(d) what, if any, orders should be made as to the costs of these proceedings.

On 7 September this year Mr Ian Bruce Bell commenced proceedings in the High Court of Australia against Senator Culleton. These proceedings had nothing to do with the Australian government and the government's only knowledge of them was from reports in the media. Nevertheless, in the course of those proceedings, Mr Bell issued a notice, under section 78B of the Judiciary Act 1903, stating that the proceedings raised a constitutional question. The Commonwealth was served with a section 78B notice on 28 September. The 78B notice relates to the consequences, under the Constitution, of a senator sitting while disqualified. The grounds of qualification are provided for by section 44 of the Constitution, which, among other things, provides that 'any person who has been convicted and is under sentence, or subject to be sentenced, for any offence punishable under the law of the Commonwealth or of a State by imprisonment for one year or longer shall be incapable of being chosen or of sitting as a senator'.

It appears that, on or about 2 March this year, Senator Culleton was convicted in the New South Wales Local Court, at Armidale, of the offence of larceny under section 117 of the New South Wales Crimes Act. The offence of larceny under that section carries a maximum sentence of five years imprisonment. As we know, at the election on 2 July, Senator Culleton was elected to the Senate as a senator for Western Australia representing the One Nation party. On 8 August—that is, a month after the election and six days after the declaration of the Senate poll in Western Australia—Senator Culleton's conviction was annulled under the New South Wales Crimes (Appeal and Review) Act 2001. On 25 October, Senator Culleton pleaded guilty to the charge and the magistrate found the charge proven but dismissed it under the New South Wales Crimes (Sentencing Procedure) Act 1999. Notwithstanding the subsequent history of the matter, it is a fact that, at both the time of the election and the time of the declaration of the poll, Senator Culleton appears to be a person to whom the terms of paragraph (ii) of section 44 of the Constitution may apply.
After receiving the section 78B notice, I asked the Australian Government Solicitor to seek the advice of the former Solicitor-General on four questions relating to Senator Culleton's eligibility to be elected. Those questions were provided to the then Solicitor-General on 13 October. Early on the evening of Friday, 28 October, I was advised that the former Solicitor-General's opinion had been received late that afternoon and it was sent to me. In referring to the opinion, I do not waive the Commonwealth's privilege in respect of it. It is sufficient to say that, in view of its conclusions, I considered that I ought to notify the President of the Senate, which I did the following morning, Saturday, 29 October, and provided a copy of the opinion to him. I also took the view that, in fairness to Senator Culleton, I should notify him and provide a copy of the opinion to him as well, which I did later that day. I also took the view that I should make Senator Hanson, as the leader of the party of which Senator Culleton is a member, aware of these facts, which I also did that weekend.

It is enough to say that, plainly, an issue concerning Senator Culleton's eligibility to be elected has arisen under section 44(ii) of the Constitution. In such circumstances, the law provides for a procedure. It is to be found in section 376 of the Commonwealth Electoral Act, which provides that:

Any question respecting the qualifications of a Senator or of a Member of the House of Representatives or respecting a vacancy in either House of the Parliament may be referred by resolution to the Court of Disputed Returns by the House in which the question arises and the Court of Disputed Returns shall thereupon have jurisdiction to hear and determine the question.

Section 354 of the act provides that the High Court is the Court of Disputed Returns.

Also relevant is section 377, which provides:

When any question is referred to the Court of Disputed Returns under this Part, the President if the question arises in the Senate, or the Speaker if the question arises in the House of Representatives, shall transmit to the Court of Disputed Returns a statement of the question upon which the determination of the Court is desired, together with any proceedings, papers, reports, or documents relating to the question in the possession of the House in which the question arises.

After consultation with the President, the government has decided that a reference under section 376 is the appropriate course to follow. The relevant statement of the question is contained in the motion which I have moved. The only relevant documents would appear to be the court records, which you tabled a few moments ago, Mr President. It is, of course, a matter for the Senate, not the government, but since this issue first came to light as a result of the service upon the Commonwealth of the section 78B notice and was crystallised by advice received from the former Solicitor-General, it is appropriate for me to have made the President aware of the matter and for the government to place this course of action before the Senate.

Finally, I should say that the government makes no judgement on the merits or otherwise of Senator Culleton's case, either on the constitutional issue or on the criminal proceedings. Nor, should this motion pass, would it mean that the Senate had formed a view on the merits of Senator Culleton's case either. Neither the government nor, for that matter, the Senate is in a position to do so, and that is not the purpose of this motion. Under a system of government that respects the separation of powers, it is not the executive or the legislative branches of government that make those judgements; they are entirely a matter for the judicial branch. The purpose of this reference is merely to set in motion the process to enable that judicial
resolution of the issue to take place. If the motion is passed, it would merely reflect the fact that an issue having squarely arisen as to the applicability to Senator Culleton of section 44(ii) of the Constitution, the Senate has referred the matter for decision by the appropriate arm of government, the courts, by the Court of Disputed Returns.

Senator CULLETON (Western Australia) (13:39): I want to put a few housekeeping rules and put the Senate on notice that this has all come as a great surprise. In response to the Senate, I rise in the Senate chamber today to state the situation as I have become aware of it, confirmed only this morning at a meeting of Senator Brandis. In fact, I have only just been handed further documents in the chamber before speaking. May I declare at the outset that, in my discussions with the Clerk of the Senate this morning, I was clearly informed that I have the right to exercise my vote in the Senate and continue to represent the people of Western Australia, as I was elected to do. I intend to dutifully and responsibly fulfil my commitment to each and every one of them while in this place each day I am privileged to remain here, see through my promises and honour my oath of allegiance to this nation.

The very nature of this situation confirms to me what Australians have seen in parliamentary representation for far too long. Parliamentary representatives who stand up and represent their constituents will always be under attack from within and without. That is all too often the nature of the political climate in this country. The preference in the party arena is for the conformity to just warm the seats for the respective parties, with no tolerance for true representation of constituents' interests. This is not a democracy and that is not in the interests of true representation in this place for all Australians. Certain parties believe they have a vested interest in the Senate seat. Their actions and reactions today reflect that vested interest in securing this Western Australian Senate seat, through which I was elected to serve my constituents in Western Australia for the next three years. Whether or not a concise vote is allowed in this chamber on this issue, it is clear from the reaction of many senators towards me today that their consciences are already strongly affecting their votes and their demeanour.

In due course, what has been going on behind closed doors will thoroughly be exposed, both the skulduggery and the acts of integrity and character—the mateship that separates the Australian national ethos in a league of its own, refusing to allow such acts of bastardry without challenge or an indication of support and solidarity. The media claims by those aligned with particular political parties that they would fund the spurious and frivolous challenge to the High Court, knowing the lack of substance involved, deserve contempt and not to be stamped with the authority of this chamber.

Coincidentally, a question from myself to the Senate that was subsequently referred to the Rules Committee of the High Court in October and questioned the legitimacy of the High Court itself has now been followed by this frivolous action, setting a serious precedent for every candidate who seeks to represent their state and the nation. Every candidate who stands for election in any parliament of Australia has a worrying precedent set here today—that is, any candidate who owes money or for any reason withholds money because of poor service or workmanship is open to charges of this nature being levelled against them during the critical period of their candidacy in order to remove them from the parliamentary position should they be elected.
Senator Brandis claims that this is a government matter to be resolved. He has, however, failed to offer any commitment regarding the government's responsibility to fund my defence and representation.

My colleagues in this chamber here today have the opportunity to right the wrongs and recognise that natural justice has not been served in the Court of Disputed Returns over these spurious charges, which were annulled. There was no conviction recorded on the matter, thereby acknowledging that they never existed. Because of double jeopardy, any further charges laid against me resulted in no conviction for larceny, but I made an agreement to accept the damages and the costs claimed by the truck driver for a single key.

In summarising, Magistrate Holmes at Armidale declared the matter as frivolous and declared me a man of good character, again refusing to record any conviction on the matter. I stand in this chamber today and ask my fellow senators to recognise the breaches of my privileges that have been clearly evidenced here and that this matter be referred to the Privileges Committee. In both matters under discussion the claims are both spurious and inaccurate. I do not claim, ever, to be a perfect man. Amongst imperfection, there was only one perfect man who walked this earth, and we remember that they lauded him one week and then brutally beat him and crucified him the next.

On Saturday 29 October Senator Brandis said he had been in contact with the High Court and that it had been brought to his attention that the contempt of my question is accurate. If that is the case, what are we doing here today without that issue of the High Court being first resolved? If, indeed, the High Court is out of order, as my question indicated and their own rules confirm, how can they preside over anyone? In his concluding observation, the recently-resigned Solicitor-General Justin Gleeson recorded in item 67, 'The current pleadings in the election petition proceeding are deficient and, in my view, should be endurable.' In other words, this action could run out of sight on a dark night. However, contrary to his statement that Court of Disputed Returns may be prepared by a single justice, my request is for a full jury trial, as is my right under the nation's Constitution. A case of precedent in such a matter in the High Court was set in Nile v Wood 1987 FC 87/063. I will table the document, with the leave of the Senate, along with my letter to the President, the time line of my events and the letter from the Hon. George Brandis with the attachment from the then Solicitor-General—obviously with the consent of leave.

We have a country in need of a moral and ethical Senate chamber and yet the most urgent call to this chamber this morning is to attempt to remove two senators who have worked determinedly to restore the constitutional rights of every Australian—a shameful indictment while 21 fathers suicide each week and numerous lives are lost to suicide across the country due to the unconscionable acts of foreign-owned bankers and their agents. When I and other members of this Senate and those of the House of Representatives came here, we swore an allegiance to the Queen. That means we stand for what she stands for and what every digger who has ever served stood for. They were prepared to lay down their lives to defend what she represents, and we too are called on to make such sacrifices and to take on the challenges and obstacles to freedom of true democracy. I hope and pray that I meet that challenge and fully intend to do so to the best of my ability.

To all of those who have sent the numerous messages of support and praise from right across the country and from my own state in Western Australia, I give my heartfelt thanks.
will share with you on record one I received just as I walked to attend this chamber: 'Good morning, Rod. I support you 100 per cent. What a great senator you will be when you get through this. Don't focus on the outcome; just face each issue bravely and honestly, exactly as you've done. The people are with you. My whole family supports you. You are destined to be where you are and to help expose the elite, unethical activities of the banks. With best regards.'

I have nothing further to say—sorry, I should not say that: I have everything to say, which was in my first speech and I will take nothing away from that. Thank you.

The PRESIDENT: Senator Culleton, you sought leave during your speech to table some documents.

Senator CULLETON: Yes, I did.

Leave granted.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (13:50): Can I just, by way of starting, clarify that the document being tabled is the legal advice the government received from the Solicitor-General?

The PRESIDENT: Senator Culleton, do you want to clarify the documents that you are tabling?

Senator Culleton: Yes, I am just tabling a time line of the events at Guyra, the opinion from Justin Gleeson and the letter from Mr Brandis.

The PRESIDENT: Thank you. To clarify that matter, it does include the document you are inquiring about, Senator Wong.

Senator WONG: Thank you, Mr President. The opposition gave leave, and I am pleased the government did not demur on this occasion. It is a pity that Senator Culleton had to table the advice rather than the advice being provided, given the seriousness of the matter that is before the Senate. I again maintain the opposition's request, and I suspect there may well be other senators who would want it, for the advice provided to the government in respect of Mr Day.

I just want to make some very brief remarks in relation to the motion moved by Senator Brandis. Can I indicate at the outset that the opposition will be supporting the government's motion to refer the election of Senator Culleton to the Court of Disputed Returns. Can I say to Senator Culleton, through you, Mr President, that I understand this is a very distressing time for him personally. I also note his comments about not being provided with sufficient information. I would indicate to him that it was at the opposition's request that this debate occur some hours after the documents were tabled by the President because we thought all senators ought to have the opportunity, should they feel it necessary, to consider the facts of these matters before the motions were voted on.

The opposition is of the view that this is obviously a matter quite different from those matters relating to Mr Day. It is fundamentally a legal question as to the status of the legal position of Senator Culleton at the time of the election. The High Court in this matter is being asked to deal with some issues which are similar and some issues which are very different to the situation involving former Senator Day. Obviously the facts giving rise to this matter are quite different to the matters involving former Senator Day. However, the court is also being
asked in relation to this matter not only to determine whether Senator Culleton is eligible to continue to sit or was ever entitled to be elected; it is also being asked to consider how to replace him should he be found ineligible to sit or incapable of being chosen.

I will make one comment on that point. The material difference between the two cases is that there were obviously three One Nation candidates on the Western Australian ballot paper at the election this year, so even if it were to be the case that the court finds Senator Culleton was ineligible to be chosen the very serious questions about the validity of the group ticket under section 168 of the Commonwealth Electoral Act that arise in the Day case do not appear to arise in this case.

It is an unfortunate day when the Senate finds itself having to refer one of the members of the chamber to the High Court. It is certainly not something we should do lightly. I make it very clear that the opposition make no judgement as to the merits of Senator Culleton's legal position. However, based on the information provided by the government and the facts in the public domain, we believe it is appropriate that the matter be referred. We look forward to the High Court's resolution of this issue.

Senator SIEWERT (Western Australia—Australian Greens Whip) (13:54): The Australian Greens will support this motion to ensure that proper processes for the eligibility of elected senators as laid down in the Constitution are complied with.

Senator HANSON (Queensland) (13:54): It is a very difficult time for me and the party but even more so for Senator Culleton. He has been a man who has stood up to represent his electorate, the farming sector and many other issues. But this motion is on the floor now and I must address it. I have always stood for honesty, integrity and the truth. The people deserve no less, especially from this chamber. It goes to the very heart of our democracy. This at hand is a question over Senator Culleton's eligibility to hold his seat in this place. When he was nominated for Pauline Hanson's One Nation as a Senate candidate, he stated that he was eligible to stand under the requirements of section 44 of the Constitution. I took that to be his oath, and his signature was witnessed by a JP.

My fellow colleagues and I support Senator Culleton, but we have seen on too many occasions politicians in this place and the other place who have not been accountable to the Australian people and I will not stand here and be of the same ilk. I believe that it should go to the High Court to make their ruling on this matter. I hope their findings are in his favour and I would dearly love to see Senator Culleton take his place here again as a One Nation senator. I believe that I have the support of my other senators. I know that Senator Culleton will not be too happy with what I have just said, but this goes to my integrity and my honesty. I have fought for 18 years to be on the floor of this parliament as a representative of the people and I cannot sit back and disregard what may have been a wrong judgement. But I will leave it up to the court to make the final decision. I seek leave to table this document.

The PRESIDENT: Do you want to explain the document, Senator Hanson?

Senator HANSON: The document is an application for candidate endorsement and it was filled out by Rodney Norman Culleton on 13 April 2016 and signed by him.

Leave granted.

Senator XENOPHON (South Australia) (13:58): I indicate on behalf of my colleagues, Senator Griff and Senator Kakoschke-Moore, that we will support this matter being referred
to the High Court. Clearly an issue has arisen under section 44(ii) of the Constitution as to the eligibility of Senator Culleton to be a member of the Senate. It was initiated by a petition brought by Mr Bell and crystallised by the opinion of the former Solicitor-General, and I am grateful to Senator Culleton for providing me with a copy of the former Solicitor-General's opinion in relation to this matter. It has now been tabled. I want to have an opportunity to refer to that in the context of the remarks I will make.

It seems to me to be very clear that this is a matter without precedent. It is a matter where there is no authority directly on the question. It boils down to whether the conviction of Senator Culleton which was subsequently annulled was relevant at the time Senator Culleton nominated for the Senate. There are two arguments here that the High Court will ultimately need to deal with, and there are two competing interpretations of the effect of an annulment under the New South Wales Crimes (Appeal and Review) Act, as former Solicitor-General Justin Gleeson has indicated. The first interpretation of the annulment means that in law there was never a conviction, which is supported by section 9(3) of the New South Wales Crimes (Appeal and Review) Act.

Debate interrupted.

**QUESTIONS WITHOUT NOTICE**

**Day, Mr Bob, AO**

_**Senator FARRELL** (South Australia—Deputy Leader of the Opposition in the Senate)

(14:00): My question is to the Special Minister of State, Senator Ryan. In a briefing dated 24 February 2014 from the Department of Finance to the then Special Minister of State it is recommended, 'That you agree to not approve the establishment of a new electorate office for Senator elect Day.' Can the minister confirm that the then Special Minister of State ignored this advice from his department?

_**Senator RYAN** (Victoria—Special Minister of State and Minister Assisting the Cabinet Secretary) (14:00): I thank Senator Farrell for his question. Senator Farrell will understand that I was not in the position at that time, having been sworn to the office on 18 July this year. I refer Senator Farrell to the statements made by myself and Senator Cormann in the chamber earlier this afternoon. I understand that that briefing preceded the decision of the then Special Minister of State to agree to the location of then Senator Day's office with certain conditions attached, which were outlined by Senator Cormann and by myself.

_**Senator FARRELL** (South Australia—Deputy Leader of the Opposition in the Senate) (14:01): I have a further question of the minister. I refer to a briefing dated 10 June 2014 from the Department of Finance to the then Special Minister of State, which recommended, 'That you agree that Senator elect Day occupy level 5, 19 Gilles Street Adelaide'—a very nice office by the way—from 1 July 2014 until arrangements for his electorate office are finalised.' Can the minister confirm that the then Special Minister of State ignored this advice from his department?

_**Senator RYAN** (Victoria—Special Minister of State and Minister Assisting the Cabinet Secretary) (14:02): Thank you, Senator Farrell, for the question—

_Senator Sterle interjecting—

CHAMBER
Senator RYAN: I will leave that to you, Senator Sterle. Senator Farrell, I understand that office was vacant following your defeat at the 2013 election. As Senator Cormann outlined to the chamber, and there are extensive examples of this, special ministers of state seek to accommodate the wishes and desires of members of parliament in seeking to locate their offices.

Opposition senators interjecting—

The PRESIDENT: Order, on my left.

Senator RYAN: Senator Farrell, I refer you, again, to my statement earlier today, where I outlined that then Senator Day did not—(Time expired).

Senator FARRELL (South Australia—Deputy Leader of the Opposition in the Senate) (14:03): I ask a further supplementary question. On how many other occasions did ministers ignore departmental advice in responding to Senator Day's request to establish his electoral office in a building he owned?

Senator RYAN (Victoria—Special Minister of State and Minister Assisting the Cabinet Secretary) (14:04): To be fair, I do not think that is a fair way to characterise the circumstances. I outlined to the chamber earlier today the extent of the steps which the government took to make inquiries into this matter following it being brought to my attention, after I was sworn in as Special Minister of State, by Senator Day. I will state again: I think the government's steps that have been taken, and outlined by both Senator Cormann and myself, demonstrate our bona fides in dealing with this very important matter.

Iraq

Senator BACK (Western Australia) (14:04): My question is to the Minister for Defence, Senator Payne. Can the minister update the Senate on the progress of the operation to liberate Mosul from Daesh?

Senator PAYNE (New South Wales—Minister for Defence) (14:04): I thank Senator Back for his question and for his interest in this particular area of Defence operations, particularly in his capacity as chair of the Senate Foreign Affairs Defence and Trade Committee.

The liberation of Mosul, which is Daesh's last major stronghold in Iraq, does represent a critical juncture in the campaign to defeat Daesh. The liberation campaign commenced on 17 October and I met to discuss the campaign's progress with my coalition counterparts in Paris two weeks ago. From that meeting, I can report, and we have seen the media reports subsequently, that the operation to liberate Mosul is indeed making progress. The Iraqi and the Peshmerga forces, supported by the international coalition, are making steady progress, and they have now moved from the isolation to the clearance phase. It is important to note that this is a complex military operation and it will take time.

The coalition and the Iraqi government recognise that as forces progress into the city the fight will become more difficult, and we expect Daesh's resistance to increase. The Mosul urban fight will be close, tight and tough, complicated further by the necessity to protect the civilian population.

Also, in the last 24 hours the Syrian Democratic Forces have announced the commencement of operations to liberate Raqqa from Daesh. As US Secretary of Defence,
Ashton Carter, has said, 'the effort to isolate, and ultimately liberate, Raqqa marks the next step in our coalition campaign plan.' We expect this fight to be particularly tough, given Raqqa's symbolic significance as the capital of the so-called caliphate. Daesh is under increasing pressure in Iraq and Syria. It is losing territory, it is losing finances, it is losing fighters and it is losing battles. It is important that we maintain and sustain this momentum.

The PRESIDENT: Senator Back, a supplementary question.

Senator BACK (Western Australia) (14:06): I thank the minister for that comprehensive answer and ask: would the minister please advise the Senate on the important contribution that Australian forces are making in the campaign to retake Mosul?

Senator PAYNE (New South Wales—Minister for Defence) (14:07): Indeed, Australia is making a significant military contribution to the counter-Daesh campaign in Iraq, and I have reported on that to the chamber previously. Our Defence Force members, operating as part of the broader US-led coalition, are providing support to the Iraqi security forces throughout the Mosul offensive. We continue, with the NZDF, to train Iraqi army units as part of our Building Partner Capacity mission at Taji, with over 14,000 Iraqi troops trained to date—a very considerable contribution.

Our Special Operations Task Group is continuing with its advise and assist role with the elite Iraqi counterterrorism service as they also prepare and plan for operations. The Australian special forces also assist the Iraqi counterterrorism service with the integration of air and artillery support. The Air Task Group, of course, is conducting air strikes and providing enabling support in the vicinity of Mosul. I want to acknowledge the contribution that our ADF personnel and their families are making on our behalf and assure you their skills and experience are highly regarded by the international community and the government of Iraq. (Time expired)

The PRESIDENT: Senator Back, a final supplementary question?

Senator BACK (Western Australia) (14:08): I think the entire chamber endorses that sentiment. Can the minister advise how the US-led counter-Daesh coalition is coordinating efforts to support the Iraqi security forces in their fight against Daesh?

Senator PAYNE (New South Wales—Minister for Defence) (14:08): I thank Senator Back for that acknowledgement of support in relation to the work of the ADF. As I mentioned earlier, just a fortnight ago I did have the opportunity to meet with a number of defence ministers from the counter-Daesh coalition in France. I want to thank the US Secretary of Defence, Dr Ashton Carter, and the French defence minister, Jean-Yves Le Drian, for hosting the meeting. We agreed that stabilisation and governance efforts in Iraq would need to be a strategic priority moving forward. We need to ensure that our partners on the ground have what they need not only to win the fight but ultimately to hold, rebuild and govern their own territory. Daesh represents a continuing dangerous threat. We have to be vigilant in our efforts to defeat this abhorrent organisation, and the support that the coalition provides to Iraq is a key contribution to that goal, as is Australia's participation in that process.

Day, Mr Bob, AO

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (14:09): My question is to the Minister for Finance, Senator Cormann.
did the minister first become aware of discussions regarding the establishment of a new electorate office for Senator Day in his building at 77 Fullarton Road, Kent Town?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:09): I thank Senator Gallagher for that question. I answered that question explicitly in my statement to the Senate earlier today. The 29 December letter—and I am quoting directly from my statement—by then senator Bob Day by email to me in relation to arrangements related to his Fullarton Road electorate office was the first time, I believe, I became aware of the arrangements put in place in relation to then Senator Day's electorate office.

The PRESIDENT: Thank you, Minister. Senator Gallagher, a supplementary question?

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (14:10): On becoming Special Minister of State on 29 December 2015, what was the minister's knowledge of the negotiations with former Senator Day regarding the establishment of his electorate office in a building he once owned?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:10): I could refer Senator Gallagher to the very comprehensive statement I made to the Senate earlier, which directly deals with these matters. What I will say is this: the first time I became aware of any arrangements in relation to then Senator Day's electorate office was as a result of the letter that he sent to me by email on 29 December 2015, a few hours after I had been appointed as the Acting Special Minister of State. Obviously, as a result of that letter I made it my business to find out what the situation was and I was advised of the arrangements, which are as I have laid out in my very comprehensive statement.

Let me make very clear that former Senator Ronaldson, the then Special Minister of State, appropriately acted on the advice provided to him by the Department of Finance by imposing certain conditions on then Senator Day. Let me make the final point that Senator Day is not Robinson Crusoe when it comes to expressing concern about departmental preference for the location of his electorate office. (Time expired)

The PRESIDENT: Senator Gallagher, a final supplementary question?

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (14:11): Given that the minister has at all material times been the senior minister in the Finance portfolio and was himself the Special Minister of State for over six months, between 29 December 2015 and 19 July 2016, why, Minister, did you permit the government to agree to Senator Day's request, contrary to the advice of your own department?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:12): The assumption underpinning that question is false. At the time when the heads of agreement in February 2015 was executed, at the time when the lease on 1 December 2015 was executed, the Department of Finance had no concerns in relation to the ownership status of the 77 Fullarton Road property—no concerns whatsoever. Indeed, as late as 18 February 2016 my department, the Department of Finance, advised me that it was open to me—this is also covered in my very comprehensive statement—to pay rent in relation to this office from 1 March 2016 onwards. The senator, with all due respect, is seeking to quote out of context advice in 2014 which was no longer relevant later in 2015.
Again, let me say that then Senator Day was not Robinson Crusoe when it came to expressing concerns about departmental preferences— *(Time expired)*

**Asylum Seekers**

**Senator PATERSON** (Victoria) (14:13): My question is to the Minister representing the Prime Minister, the Attorney-General. Can the Attorney-General advise the Senate what the government is doing to further strengthen Australia's strong border protection regime?

**Senator BRANDIS** (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:13): Thank you very much, Senator Paterson. As you know, this government is always alert to ensuring that Australia's border protection regime is as strong as possible. The Australian people expect nothing less of us and nothing less of this parliament.

To further strengthen the border protection regime, the government will introduce legislation to amend the Migration Act to prevent illegal maritime arrivals taken to a regional processing country from ever obtaining a visa to travel to Australia. It is vital that the government sends a clear message to the people smugglers and to their potential clients that there is no backdoor entry available for them into Australia. The bill reflects the government's longstanding position that illegal maritime arrivals who have been sent to a regional processing country will never be settled permanently in Australia. The bill will apply to all illegal maritime arrivals taken to a regional processing country since 19 July 2013. Senator Paterson, you might wonder about the significance of the date 19 July 2013. That is the date when the former Prime Minister, Mr Kevin Rudd, signed the regional resettlement arrangement with Papua New Guinea, and Mr Rudd said:

As of today, asylum seekers who come here by boat without a visa will never be resettled in Australia.

Mr Shorten said—just like Mr Rudd did in the run-up to the 2007 election—that Labor would be a carbon copy of the coalition when it came to maintaining the integrity of Australia's borders. Labor's stated policy position is that those in regional processing countries will not permanently settle in Australia. If Mr Shorten is serious, he will support this bill. *(Time expired)*

**The PRESIDENT:** Senator Paterson, a supplementary question.

**Senator PATERSON** (Victoria) (14:15): Can the Attorney-General advise the Senate why this legislation is necessary?

**Senator BRANDIS** (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:15): Yes; because it will send a clear message to illegal maritime arrivals in regional processing countries that they will never settle permanently in Australia—no matter what advocates or others may tell them—and, indeed, may never come to Australia at any time in the future. It is necessary to introduce this legislation now, so those in regional processing countries engage with the governments of Nauru and Papua New Guinea to take up the return and resettlement packages available to them. Notwithstanding the acknowledged success of Operation Sovereign Borders, people smugglers will continue to take advantage of vulnerable people, to try to convince them to get on boats for Australia and risk their lives at sea. This bill will further undercut the people smugglers' business model, and it will communicate to the 14,000 waiting in Indonesia that they can never come to Australia. *(Time expired)*
The PRESIDENT: Senator Paterson, a final supplementary question.

Senator PATerson (Victoria) (14:17): Attorney, are there any threats to Australia’s strong border protection regime?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:17): Yes, Senator Paterson, I am afraid to say there are, and there is one that comes to mind most particularly, and that is the weakness of the Leader of the Opposition, Mr Bill Shorten—the weakness of the Leader of the Opposition which the people smugglers have detected. They know that if the Labor Party were ever to be in office again, they would be back in business. But let us not forget that under the last Labor government—notwithstanding all the strong rhetoric that they used—800 boats came to Australia, 50,000 people arrived illegally, an uncountable number but at least 1,200 deaths that we know about occurred at sea, and 8,000 children went through the detention system. Under this government, no deaths at sea, no children in detention, and the problem has been solved.

Racial Discrimination Act 1975

Senator McKIM (Tasmania) (14:18): My question is to the Minister representing the Prime Minister, the Attorney-General. Attorney, isn't it true that your government's desire to water down section 18C of the Racial Discrimination Act is in fact an attack on the foundation of Australia's multicultural society? Why do you think that, in a country described by the Prime Minister as one of the most successful multicultural societies in the world, people should be able to insult and offend other Australians on the basis of their race? Are the rights of racists more important than the harmony of Australia's multicultural society? Attorney, why are you ignoring the consensus position of Australia's multicultural communities who say that weakening the Racial Discrimination Act will give a green light to race hatred?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:19): Thank you very much, Senator McKim. Before addressing your question, if I might for a moment put party politics aside and express the concern of those who sit on the government benches, and I am sure of all senators, for the wellbeing of your colleague, Senator Ludlam. May I convey on behalf of the government and of all senators our best wishes for his speedy recovery.

The government is immensely proud of the success of Australian multiculturalism. No government in Australian history, either coalition or Labor, did more to advance multiculturalism in this country than the Howard government. Between the time the Howard government commenced in 1996 and the time the Howard government came to an end in 2007, Australia had been transformed, as a result of the policies of that government, into a multicultural society—the stand-out success story of multiculturalism in the world. And I remember an anecdote that Mr Howard told once—

Senator McKim: Mr President, I rise on a point of order: I do not recall asking about anecdotes or the time that this country had to suffer under John Howard. What I recall asking about is section 18C, whether the Attorney believes the rights of racists are more important than the harmony of Australia's multicultural society, and why multicultural communities are being ignored by this government.
The PRESIDENT: Thank you, Senator McKim. There were four clear elements to your question, which I noted, and the Attorney is certainly within topic. He has given a preamble, but the Attorney-General has heard your point of order.

Senator BRANDIS: Mr Howard related a conversation he had with Dr Henry Kissinger at the time of the Sydney Olympics in 2000—Dr Kissinger, one of the great statesmen of the 20th century. And Dr Kissinger said to Mr Howard, then Prime Minister at the time—

Honourable senators interjecting—

The PRESIDENT: Pause the clock. Order! Senator McKim, a point of order.

Senator McKIM: Thank you, Mr President. I have no doubt that you can pre-empt my point of order, but you have described the Attorney's contribution to date as a preamble. I draw your attention to the fact that there is just over 20 seconds left of a two-minute response—that is an awfully long preamble. I wonder if you could draw the Attorney's attention to the substance of the actual questions he was asked?

The PRESIDENT: Thank you, Senator; you do make a fair point. Attorney-General, I remind you of the question.

Senator BRANDIS: Senator McKim, you asked me about the government's support for multiculturalism. So, Dr Kissinger said to Mr Howard: 'This is an extraordinary country because it is the most multicultural society in the world and yet it is one of the most harmonious societies I have ever seen.'

The PRESIDENT: Order! Pause the clock for a moment. I did indicate that there were four key points to Senator McKim's question. It did include the aspects of multiculturalism, but I think, in fairness, you need to address some of the four elements of his question.

Senator BRANDIS: So, Senator McKim, of course I can confirm not only the government's very strong commitment to a harmonious, multicultural society but our very successful track record in being the architects of one. (Time expired)

The PRESIDENT: Senator McKim, a supplementary question.

Senator McKIM (Tasmania) (14:22): Attorney, can you give a specific example of which racial slurs your government would like Australians to be able to use should 18C be watered down but which cannot currently be used under the provisions of 18C? If you cannot provide an example, will you admit that this is simply yet another sally in the never-ending cultural wars prosecuted by the far Right of your party masquerading as a free speech crusade?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:23): Well, Senator McKim, I do not think we would regard Mr David Marr, that lion of the left, as being a member of the far Right wing of the Liberal Party. But Mr David Marr, as recently as yesterday morning on the Insiders program called for reform of section 18C.

I do not think we would regard Professor Gillian Triggs, the President of the Australian Human Rights Commission, as being part of the right wing of the Liberal Party. But in Senate estimates three weeks ago Professor Triggs, in response to some questions from our colleague Senator David Fawcett, said that she was very open to and would welcome a conversation about aspects of the way in which the Human Rights Commission deals with complaints.
I do not think we would regard the Australians Law Reform Commission as part of the right wing of the Liberal Party. But in its report on rights and freedoms that was tabled in December of last year the Law Reform Commission said that there was a case to be made for such a reform. (Time expired)

The PRESIDENT: Senator McKim, a final supplementary question.

Senator McKIM (Tasmania) (14:24): I note the abject failure of the Attorney to answer any of the questions I have asked so far. But, Attorney, the far Right of your party described 18C as a curb on the freedom of speech. If your government is serious about protecting free speech, why will it not address, for example, Australia's rigid defamation laws, strategic lawsuits against public participation commonly brought by corporations in this country, and, for that matter, section 42 of the Border Force Act? (Time expired)

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:25): We are very serious about freedom of speech. That is one of the reasons why, quite early in my term as the Attorney-General, I provided a reference to the Australian Law Reform Commission to look into traditional rights and freedoms. In a very important report that they published at the end of last year, which I launched earlier this year, they explored, among other things, by chapter 4, the various ways in which freedom of speech is limited and constrained under Commonwealth law.

This is an issue which we as a Liberal government are always alert to to ensure that we get the balance right. We are absolutely unashamed of being determined defenders of freedom of speech. We are determined defenders of the freedom of speech of people who agree with us and equally determined defenders of the right to freedom of speech of people who disagree with us, because that is what freedom of speech demands.

Day, Mr Bob, AO

Senator JACINTA COLLINS (Victoria) (14:26): My question is to the Minister for Finance, Senator Cormann. Can the minister confirm that he was aware prior to the double dissolution election on 2 July that the bank account nominated to receive rental payments for former Senator Day's electorate office was linked to former Senator Day?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:26): Again, this is a matter that I directly addressed in my very comprehensive statement to the Senate earlier today. This is probably a good time to again confirm that at no stage did I ever receive any advice from the Department of Finance that the lease signed on 1 December in itself, or in the absence of rental payments, could cause a potential breach of section 44 of the Constitution. I refer you to the relevant quote in my statement to the Senate:

… subsequent to that—and aware of all the information that had emerged by then—on 18 February 2016, the Department of Finance advised me that it would be open to me to approve the payment of rent for the Day electorate office going forward from 1 March 2016. However, when seeking to put in place this payment, further information came to light—

The PRESIDENT: Order! Pause the clock. Senator Wong, on a point of order.

Senator Wong: Mr President: a point of order on relevance. I appreciate that the minister has made a statement. However, he was asked a very specific question by Senator Collins.
That was not in relation to the issue he is now rereading, but whether or not he was aware that the bank account receiving rental payments for former Senator Day's electorate office was linked to Senator Day—whether he was aware of that fact—prior to the election on 2 July.

The PRESIDENT: I will remind the minister that that was the key element of the question.

Senator CORMANN: And it is, of course, very important, which is why I made the statement to put into context what I knew when. Going back to where I was:

… when seeking to put in place this payment, further information came to light—namely, that the bank account to receive the rental payments was an account linked to then Senator Day—

That is what I said earlier today—

Given this, a conscious decision was made that the Commonwealth would not pay rent to the owners of the 77 Fullarton Road property in the circumstances, neither by way of reimbursement for the period from 1 July 2015 nor prospectively from 1 March 2016. In fact, at no stage during then Senator Day's occupation of the 77 Fullarton Road property as his electorate office did the Commonwealth pay any rent for those electoral office premises. I understood at the time that the non-payment of rent meant that any potential breach of section 44 of the Constitution had been avoided. Indeed, at no point did I receive any advice from the Department of Finance that the lease signed on 1 December 2015 in itself—

(Time expired)

The PRESIDENT: Senator Collins, a supplementary question.

Senator JACINTA COLLINS (Victoria) (14:21): Can the minister confirm that he was also aware of the vendor finance arrangement between former Senator Day and the new owner of 77 Fullarton Road, Kent Town prior to the double dissolution election on 2 July? Why did the minister fail to take appropriate action prior to the 2 July election?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:29): Again, as I advised the Senate earlier, information was provided by the department, after seeking evidence of rental payments by former Senator Day in relation to his electorate office. He subsequently provided information to the department—for the first time in February this year—about vendor-financing arrangements underpinning his sale of the 77 Fullarton Road property. Related financial arrangements caused concerns about whether then Senator Day in fact remained connected to the Fullerton Road property. Importantly, subsequent to that, being aware of all of the information, the department advised me that it was open to me and that it would not be a conflict to make rental payments under the lease from 1 March forward. The issue, to be frank, was not a concern to the department at that point in time. As I have said previously, it is not a matter for the government to make judgements on who is eligible and who is not eligible to sit in the Senate. (Time expired)

The PRESIDENT: Senator Collins, a final supplementary question.

Senator JACINTA COLLINS (Victoria) (14:30): Minister, given the gravity of this matter, why did the government keep these matters hidden prior to the election? Was it because former Senator Day was the most reliable vote for the coalition?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:31): The answer to that question is an emphatic no. Let me just say that as Special Minister of State I treated then Senator Day in precisely the same way as I would have dealt with any member or senator in this place—Labor, Green—
Senator Jacinta Collins interjecting—

Senator CORMANN: I reject that assertion most strongly. You will find that there are senators on your side of the chamber who approached me in relation to either electorate offices or staffing related matters. As I would always do with anyone, I treated them in good faith and in confidence. I sought to facilitate resolutions to enable all of us to do the job we were elected to do in this place, as appropriate. Then Senator Day was certainly not Robinson Crusoe when it came to expressing concern about an initial proposal or an initial preference expressed by the finance department about the location of somebody's electorate office.

Senator Cameron interjecting—

Senator CORMANN: Senator Cameron interjects with, 'Did he own the building?' No, he did not own the building.

Senator Cameron: Yes he did.

Senator CORMANN: He did not own the building when the lease was— (Time expired)

Opposition senators interjecting—

The PRESIDENT: Order on my left!

Climate Change

Senator ROBERTS (Queensland) (14:32): My question is to Senator Sinodinos representing the Minister for Industry, Innovation and Science, Mr Hunt. On 26 September 2016, the CSIRO made a presentation to me led by its chief executive, Dr Larry Marshall. They provided no empirical evidence that carbon dioxide from human activity affects global climate. Senator Sinodinos, are you aware that the CSIRO refused to state that there is any danger indicated in the last 200 years of climate records. Further, they showed no empirical evidence of any unusual changes in climate. Further, they have not done their due diligence—as an example, the Bureau of Meteorology has truncated data, reduced the 1930s warming period and inflated recent temperatures. Would Senator Sinodinos please explain the process by which the government has come to do due diligence and the evidence that it relies upon for its current policy on climate?

Opposition senators interjecting—

The PRESIDENT: Order on my left! The Cabinet Secretary representing the Minister for Industry, Innovation and Science, Senator Sinodinos.

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:33): I thank the honourable member for his question and for his interest in climate change and climate science. The first point I would make is that, as a new member of the chamber, Senator Roberts was afforded the opportunity of a briefing with the CSIRO. It was a two-hour scientific briefing in Sydney on 26 September 2016, organised at his request. Dr Marshall as well as senior scientists from CSIRO made themselves available through Senate estimates to answer additional questions from Senator Roberts. Senator Roberts had the benefit of what I thought was a delightful exchange with the Chief Scientist at estimates. I was at the table representing the minister. Having listened closely to the Chief Scientist and having received information from you, Senator Roberts, over the years, I have seen nothing to sway me from the view, which is the view of this government, about the reality of climate change, the importance of tackling it and the fact that the government is on the right track in doing that. I
suggest that if you have any evidence that appears to contradict any of this, of course, it is always open to you in a public arena to put that evidence.

We as a government have to deal with these issues in a very precautionary way, and the balance of the science and of the evidence is clearly in favour of the proposition that we have to do things about climate change and climate science. We in this chamber can have legitimate differences about how to do that. But if we are getting to the stage in this country where everybody wants to be selective about the facts that they use to support particular propositions then I think we are on a very dangerous course. It is very important for us, as policy makers, to understand where the balance of risks lie, and the balance of risks lie, in this case, in putting our heads in the sand and believing climate change does not exist.

The PRESIDENT: Senator Roberts, a supplementary question.

Senator ROBERTS (Queensland) (14:35): I wish to advise you, Mr President, and Senator Sinodinos through you, that tomorrow evening in Parliament House there will be a public presentation of the empirical evidence contradicting what the senator has just said. Given that my team of world-leading scientists and I publicly exposed that, will the government please outline the cost-benefit analysis that it has done for its current climate policies?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:36): I do not have time available to set out the full cost-benefit analysis of dealing with this matter. The thing we have to remember in dealing with this matter is that we are dealing with this not only in a national sense but also in an international sense. We have been part of a whole series of international panels which have looked at these issues. In that context, I reject the proposition that somehow there is some vast global conspiracy which has sought to put the world on this particular course. The fact of the matter is that it is a free country and you can present whatever facts you like, but I believe we have to go with the overall preponderance of the science.

The PRESIDENT: Senator Roberts, a final supplementary question.

Senator ROBERTS (Queensland) (14:36): It is remarkable that we have just heard the Minister representing the Minister for Industry, Innovation and Science state that it is just not a matter of facts. What we want is the science, and I want to know why the government, now that he has raised the international issues, has not provided a complete, proper, rigorous and required cost-benefit analysis of the Paris climate agreement before foisting it on everyday Australians and Queenslanders.

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:37): There was a lot of preparatory work in the lead-up to Paris. That work involved evaluating the impact of the science to date and evaluating the impact of the measures we have taken as a country. We took a measured approach to our targets for 2020 and 2030. We will continue to do that. One thing that is clear is that the coalition is dealing seriously with this issue in a way which manages the transition in the interests of employment and in the interests of all Australians.

Cancer Treatment

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (14:37): My question is to Senator Nash, the Minister representing the Minister for Health and Aged Care.
Could the minister please update the Senate on the coalition government's commitment to fighting the scourge of cancer, especially in children?

Senator NASH (New South Wales—Deputy Leader of The Nationals, Minister for Regional Development, Minister for Local Government and Territories and Minister for Regional Communications) (14:38): I thank the senator for this very important question. The coalition government is absolutely committed to fighting cancer, and I am pleased to say that this government is the single biggest investor in cancer research in Australia. Through the National Health and Medical Research Council over $2 billion has been provided for research in to cancer since 2000.

Our medical research is set to increase significantly through our $20 billion medical research future fund. The initiative announced by the Prime Minister and the Minister for Health and Aged Care over the weekend is further demonstration of the coalition's commitment to beating cancer through research and through supporting those who experience cancer.

On Saturday the Prime Minister announced $20 million for infrastructure and equipment to support the new zero childhood cancer collaboration network. This will be a network of excellence, six hospitals and seven research centres across Australia working together, sharing information, sharing learning, sharing expertise to improve the treatment of childhood cancers. The network will operate in a hub and spoke model, with the Children's Cancer Institute at the centre. The centres are Children's Cancer Institute, Sydney Children's Hospital, Kids Research Institute, Centre for Childhood Cancer Research, South Australian Health and Medical Research Institute, the University of Queensland Diamantina Institute, Murdoch Children's Research Institute and Peter MacCallum Cancer Institute. The two-year zero childhood cancer collaboration network will involve working with 200 children across Australia with high risk for relapsed cancer, then move to a national rollout available to all children with high-risk cancer in all children's hospitals. The network of hospitals and research centres will be used to map the molecular and genetic structure of tumours and responses to treatments and share treatment results.

The PRESIDENT: Senator Bushby, a supplementary question?

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (14:40): Can the minister also update the Senate on how the coalition government is supporting women who suffer from cancer?

Senator NASH (New South Wales—Deputy Leader of The Nationals, Minister for Regional Development, Minister for Local Government and Territories and Minister for Regional Communications) (14:40): On Friday, in your home state of Tasmania, the Prime Minister announced $20.5 million over four years in new funding for McGrath Breast Care Nurses to ensure ongoing support for people being treated for breast cancer. Since 2013, McGrath Breast Care Nurses have supported around 15,000 Australians and their families. The government's new funding will deliver up to 57 of the McGrath Foundation's nurse positions in approximately 55 locations across the country.

Over 80 per cent of the Commonwealth funded McGrath nurses are employed in rural and regional Australia, and breast cancer is the most common cancer for Australian women. The McGrath Breast Care Nurses provide physical, psychological and emotional support to people...
diagnosed with breast cancer, their families and carers, starting from diagnosis and continuing throughout their treatment.

The PRESIDENT: Senator Bushby, a final supplementary question?

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (14:41): Will the minister outline what other measures the government has announced in the fight against cancer?

Senator NASH (New South Wales—Deputy Leader of The Nationals, Minister for Regional Development, Minister for Local Government and Territories and Minister for Regional Communications) (14:41): One out of every six dollars spent—nearly $1.6 billion—on the Pharmaceutical Benefits Scheme is for cancer medicines. Since 2000, the government has invested more than $2 billion on cancer research. Since the coalition has been in government, we have funded substantial new lifesaving and life-changing cancer drugs that treat conditions: $57 for melanoma treatment, $191 million for breast cancer treatment, $60 million for lung cancer and $92 million for pancreatic cancer treatments. These investments are not cheap, but they save lives. We continue to deliver on our promise to list medicines recommended by the Pharmaceutical Benefits Advisory Committee without fear or favour. I am once again very pleased to stand in this parliament and be part of a government that is delivering real dollars, cutting-edge research, lifesaving medicines and comprehensive services in our fight against cancer.

Day, Mr Bob, AO

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:42): My question is to the Attorney-General, Senator Brandis. When and how did the Attorney-General first become aware of former Senator Day's request that his electorate office be established in a building in which he once had a clear proprietary interest?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:42): Senator Ryan went through this in his very comprehensive statement earlier on in the day. The first time I became aware was when Senator Ryan raised the matter with me in early to mid-August. Senator Ryan says in his statement:

On 18 August, a further detailed discussion was held between myself and officials regarding the lease and specifically the possibility of an issue arising with section 44(v) of the Constitution. Following this conversation, I made contact with the Attorney-General later that morning. So the answer to your question is: I first became aware the first time Senator Ryan mentioned the matter to me.

The PRESIDENT: Supplementary question, Senator Wong?

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:43): Can the Attorney-General confirm when and how he first became aware of concerns that the government's agreement to Senator Day's request may have breached section 44(v) of the Constitution?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:43): Yes, and that is what I have just done.
The PRESIDENT: Senator Wong, final supplementary question.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:44): Given the Attorney-General considers himself to be a well-respected and eminently qualified Queen's counsel, I assumed he recognised as at early August that there was a potential breach of section—

Senator Ian Macdonald: Do you have a question?

The PRESIDENT: On my right. Senator Wong, you have the call.

Senator WONG: I assume he recognised, as at—

Honourable senators interjecting—

The PRESIDENT: Order on both sides!

Senator WONG: I assume the Attorney therefore recognised, as at—

Senator Ian Macdonald: This is not a question; this is a statement.

The PRESIDENT: A point of order, Senator Macdonald.

Senator Ian Macdonald: It is question time, not time to make a statement so your union buddies can see how clever you are. Senator Wong continually breaches this, as do members of the Greens. We have to get back to the situation where question time is about questions, not about gratuitous political statements.

The PRESIDENT: There is no point of order. I advise senators on both sides: interjecting during someone asking a question is equally as bad as interjecting when someone is answering a question. Senator Wong, you have the call.

Senator WONG: I appear to have run out of time, Mr President.

The PRESIDENT: We will not set the clock. Senator Wong, you can ask your question.

Senator WONG: Thank you. I assume the Attorney recognised a potential breach of section 44(v), as at early August, and acted accordingly.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:45): I do not know that there was a question, but I am happy to address the issue on the assumption that there was an intention to ask a question. As Senator Ryan said, he raised the matter with me on 18 August, and he raised the possibility of a section 44 issue. Senator Ryan says in his statement: 'I explained the situation and the facts. Senator Brandis asked for further information to allow him to form a preliminary view.' Moving to the next part of the statement that refers to me, Senator Ryan says on the 23 August: 'I met with the Attorney-General regarding the matter. He recommended that advice be sought from the Australian Government Solicitor.'

On 24 August the Attorney-General's office advised that more information was required and that I should write to Senator Day requesting this. On 26 August, Senator Ryan says: 'I wrote to Senator Day, and on 29 August he responded. On the same day I received it, the response from Senator Day was forwarded to the Attorney-General's office—' (Time expired)

Research and Development

Senator McKENZIE (Victoria) (14:46): My question is to the Minister for Education and Training, Senator Birmingham. Can the minister update the Senate about the Australian
government's support for leading research projects undertaken by our world-class universities?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:47): I thank Senator McKenzie for her question about our important commitment to research and research investment, which, of course, is consistent with the government's strong commitment to innovation and science as a driver in our economy. Last week I was pleased to announce the Australian Research Council's major grants which included some $416.6 million in funding for 989 research projects that I would have thought all those in the chamber would welcome and support—research projects occurring in our world-class universities right across Australia.

The funding schemes supported by the Australian government as part of this announcement includes: the Discovery Projects for funding commencing in 2017, supporting some 630 different research projects to be funded for up to five years with $234.7 million in support; the Discovery Indigenous funding round, supporting 11 projects with $4.6 million in support; the Discovery Early Career Researcher Award, funding of $71.7 million, supporting some 200 projects over three years; the Linkage Infrastructure, Equipment and Facilities grants, supporting some 48 different projects of $28.6 million investment; and, finally, the Future Fellowships funding, commencing in 2017, providing some $77 million in support for 100 projects.

These five crucial research grant schemes represent significant and important investment in Australian research. Their investment across a wide variety of both basic and applied research projects is undertaken by outstanding individual researchers in our world-class institutions that, of course, enjoy reputations that attract both students and researchers from around the world. This investment helps to drive Australia's innovative capacity and from that, of course, our future economic growth and job creation as part of a National Innovation and Science Agenda.

The PRESIDENT: Thank you, Minister. Senator McKenzie, your supplementary question.

Senator McKENZIE (Victoria) (14:49): Would the minister inform the Senate how this funding will enable our regions' best researchers to make exciting and critical discoveries that will have flow-on effects for our local communities and the nation?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:49): The type of projects that are being supported as part of this research are wide and varied and will have impacts across all different ways of life and walks of life in terms of their results. For example, the University of South Australia will be researching particularly how it is we can improve attendance and learning outcomes in middle-school environments. The Curtin University of Technology in Western Australia is looking at how technology can be used to improve access for Australians with disability. Macquarie University in New South Wales will provide insights into speech and language problems and, in particular, their impact on health and quality of life. The Queensland University of Technology will develop best practice solutions to improve the living environment in retirement villages—in particular, enhancing the quality of life for ageing Australians. The University of Tasmania will investigate approaches for suppressing invasive prey in predators to conserve native wildlife.
Across all areas of the economy and lifestyle, you can see the wide benefits from these types of research projects. \(\text{Time expired}\)

The PRESIDENT: A final supplementary question, Senator McKenzie.

Senator McKenzie (Victoria) (14:50): Can the minister please explain to the Senate how these projects will help keep our leading researchers here, working in Australia?

Senator Birmingham (South Australia—Minister for Education and Training) (14:50): Of course, all of these different grant schemes help to cement the place of researchers and high-quality research in Australia, but, in particular, the Future Fellowships scheme, in which we are supporting some 100 research projects with $77 million of investment, is a key investment in building the individual research capability in Australia. Of the 100 new future fellows awarded, we have retained around 79 outstanding Australian researchers, attracted some 15 outstanding international researchers, and enabled six outstanding Australian researchers to return to Australia from overseas as part of this investment.

The aim of Future Fellowships is to attract and retain the best and brightest midcareer researchers in Australia, knowing that as they build their careers and they do so here in Australia, we will manage to maximise the benefits to Australia in terms of the ultimate economic and societal impacts of their research and the job creation that will come from that.

Housing Affordability

Senator Rhiannon (New South Wales) (14:51): My question is to the Minister representing the Minister for Social Services, Minister Ryan. Dwelling prices in Australia rose 10 per cent in 2015-16. This year Sydney recorded the largest number of homeless people since the street count began and Melbourne has recorded a 74 per cent increase since 2014. There are many solutions at the federal level, but the Treasurer has seemingly passed the buck to the states. What can the federal government do to directly address housing affordability, rental security and reducing homelessness that does not pass the buck to the states?

Senator Ryan (Victoria—Special Minister of State and Minister Assisting the Cabinet Secretary) (14:52): I will honestly concede this is probably not the question I expected from Senator Rhiannon this afternoon. I will take some of the factual details on notice, Senator Rhiannon, but I understand that there are a number of measures the government takes on board. The National Rental Affordability Scheme is one of the measures the government has used to deal with these matters. I will ask for your understanding, Senator Rhiannon, and take further matters on notice for today and come back to you as soon as possible.

The PRESIDENT: Senator Rhiannon, a supplementary question.

Senator Rhiannon (New South Wales) (14:53): Minister, I appreciate the situation that you are in, but you are a minister and surely you have ideas about the future of Australia considering the crisis that we are facing with housing. So many young people are facing a situation where—

Government senators: What's your question!

Senator Rhiannon: they are going to be in a worse position than their parents, which, as far as we know, has not occurred before. Given the long-running housing crisis—

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CHAMBER
Government senators: Time! Time!

The PRESIDENT: Order! Senator Rhiannon, your time has expired. I will invite the minister to make any remarks he wishes to in light of your comments, as you did not reach the question.

Senator RYAN (Victoria—Special Minister of State and Minister Assisting the Cabinet Secretary) (14:54): Housing affordability is something that this government and this side of politics have always been strongly committed to. In fact, the particular ability for people to afford their own homes has always been something that the coalition government has been completely committed to. The government has a number of programs in place, and has continued some over many years, to ensure that those who cannot afford to purchase a home are able to find secure accommodation.

I will turn to home affordability, Senator Rhiannon, and I will refer you to the Treasurer's speech of just over a week ago that highlighted a number of issues about this, including the fact that we are a growing country. It is something I am proud of, but, as the Treasurer highlighted, there are a number of issues across jurisdictions, including the issue of land release and the issue of state taxes, that directly impact on housing affordability, on the cost of ownership and on rental housing.

The PRESIDENT: Senator Rhiannon, a final supplementary question.

Senator RHIANNON (New South Wales) (14:55): Minister, you speak about government commitment, but doesn't the lack of a housing minister and the Treasurer's refusal to offer even one solution that the federal government can implement show the government is out of touch with the concerns of everyday people, particularly young people, and lacks the courage to seriously address problems in this country? Isn't this buck passing? Your solution is to pass it over to the states—isn't that correct?

Senator RYAN (Victoria—Special Minister of State and Minister Assisting the Cabinet Secretary) (14:55): I do not see housing listed as a direct Commonwealth responsibility. Like so many other matters, it is a joint area of activity for the Commonwealth and the states. Given my own experience in the city of Melbourne, if the Greens were not imposing limits on land release and constant hikes in taxes on developers that actually force up the price of housing at the state level and at the local level, then this would be something that would not be as difficult as it is. Senator Rhiannon: just because there is an issue it does not make it a Commonwealth responsibility or give the Commonwealth power to directly and solely address it, despite your wish. Be accountable for what your representatives do at state and local government levels that directly impact on the cost of land release, the development of new housing and the price that people pay to rent or own their own home.

Day, Mr Bob, AO

Senator McCARTHY (Northern Territory) (14:56): Mr President, my question is to the Minister representing the Prime Minister, Senator Brandis. When and how did former Prime Minister Tony Abbott or his office first become aware of the request by Senator Day that his electorate office be established in the building he once had a clear proprietary interest in?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:56): Senator, you have asked me a question about Mr Abbott and his office. I cannot add anything. I have no knowledge of that,
but I cannot add anything to what Senator Ryan explained in the very detailed statement that he gave this morning or to the explanation Senator Cormann gave, although Senator Cormann's statement was confined, I think, to his period as acting Special Minister of State. I cannot add anything to what Senator Ryan has said.

The PRESIDENT: Senator McCarthy, a supplementary question.

Senator McCarthy (Northern Territory) (14:57): Given that the lease at 77 Fullerton Road was signed more than two months after Mr Turnbull became Prime Minister, when and how did Prime Minister Turnbull or his office first become aware of the request by Senator Day that his electorate office be established in a building he once had a clear proprietary interest in?

Senator Brandis (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:57): There are a number of assumptions in your question, Senator, but the matter was covered by Senator Ryan in his statement, when he addressed specifically the question of when these matters were first brought to Mr Turnbull's attention. I have nothing to add to what Senator Ryan had to say.

The PRESIDENT: Senator McCarthy, a final supplementary question.

Senator McCarthy (Northern Territory) (14:58): Can the minister assure the Senate that the government's agreement to establish Senator Day's electorate office in a building he once had a clear proprietary interest in was not part of a deal for support in the Senate?

Senator Brandis (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:58): There is absolutely no suggestion of that whatsoever. The Senate heard this morning, Senator McCarthy—I do not know if you were in the chamber or not—a most comprehensive and detailed account of these events from Senator Ryan and, to the extent to which he was responsible for the portfolio for a few months earlier this year, from Senator Cormann. The government has been absolutely punctilious and fastidious in ensuring that a complete account of these events has been provided to the Senate by my colleague Senator Ryan and my colleague Senator Cormann. If I might trespass upon the courtesy of the Senate for a moment to confirm, in response to a question you asked me earlier on in the afternoon, Senator Wong: the date on which I first became aware of the matter, from my conversation with Senator Ryan, was indeed 18 August.

Regional Assistance Mission to Solomon Islands

Senator Fawcett (South Australia—Deputy Government Whip in the Senate) (14:59): My question is to the Minister for International Development and the Pacific, Senator Fierravanti-Wells. Can the minister advise the Senate on the achievements of the Regional Assistance Mission to Solomon Islands and how it is contributing to stability in the Pacific?

Senator Fierravanti-Wells (New South Wales—Minister for International Development and the Pacific) (14:59): Thank you, Senator Fawcett, for the question. As a close neighbour, Australia has a strong interest in the ongoing security of our Pacific neighbours. As I have indicated to the Senate before, the 2016 Defence white paper identified Australia's immediate neighbourhood as our highest strategic priority after the defence of Australia. In April 2003 the then Solomon Islands Prime Minister, Sir Allan Kemakeza, wrote to request Australia's assistance in addressing the violence besetting his country. Following consultations between the governments of the Solomons, Australia and New Zealand, a
comprehensive package of assistance was agreed to. The centrepiece of this was RAMSI, which was proposed and unanimously endorsed by the foreign ministers of the Pacific Islands Forum. RAMSI has been critical to re-establishing and maintaining peace and stability in the Solomons for the past 13 years, and it has been a success because it has been a regional effort, with 15 Pacific countries contributing to RAMSI since its inception. It was led and largely funded by Australia and has helped to restore law and order, to rebuild national institutions and to reform the economy of the Solomon Islands. I have had the opportunity to see firsthand the work that we have done and the positive benefit there has been for the people of the Solomon Islands. As the Senate may be aware, RAMSI will end on 30 June next year. That said, our support for the Solomon Islands and the stability and security of that country will continue, and we are working with the government of the Solomon Islands on a new police capacity-building program, which will include advisers from the Australian Federal Police.

The PRESIDENT: Senator Fawcett, a supplementary question.

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (15:01): Minister, as RAMSI draws to a close, could you outline to the Senate what have been the practical results? How has it helped the people of the Solomon Islands?

Senator FIERRAVANTI-WELLS (New South Wales—Minister for International Development and the Pacific) (15:02): RAMSI has helped to rebuild the critical law-and-order institutions, to stabilise government finances, to rebuild the machinery of government and to restore business confidence. This in turn has created the conditions for longer term stability, development and economic growth in the Solomon Islands, which in turn has not just led to political stability in that country but has added to the broader stability of our region. It has helped the Solomon Islands Police Force and has developed it into a modern, effective and independent institution. The Royal Solomon Islands Police Force has been policing with very little operational support over the past two years, and there is now widespread agreement that the police force is ready to assume full policing responsibilities. We will continue to support peace and stability in the Solomon Islands when RAMSI ends.

The PRESIDENT: Senator Fawcett, a final supplementary question.

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (15:03): Minister, could you outline the direct benefit to Australia and our region delivered by RAMSI?

Senator FIERRAVANTI-WELLS (New South Wales—Minister for International Development and the Pacific) (15:03): As a close neighbour and friend, Australia has a significant national interest in the ongoing security of the Solomon Islands and other Pacific countries. We do not want to see again the kind of situation arising in our region that led to RAMSI. This is one of the reasons why we will continue to support the Solomon Islands and other governments in our region through our overseas development assistance. The Solomon Islands is a country which has significant influence in Melanesia and the broader Pacific, and, as such, its security has a big impact on the security of our region. In recognition of the improved security environment, in 2013 the mission's military component was withdrawn, and support for governance and the justice sector was transferred to our bilateral aid program. It is in Australia's interest to have a strong, stable and prosperous neighbourhood.
Senator Brandis: Mr President, I ask that further questions be placed on the Notice Paper.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Day, Mr Bob, AO

Senator FARRELL (South Australia—Deputy Leader of the Opposition in the Senate) (15:04): I move:

That the Senate take note of the answers given by ministers to questions without notice asked by Opposition senators today relating to former Senator Day's electorate office.

I refer back to 2013, when Senator Bob Day replaced me in the Senate. As all senators will know, because all senators will have had this experience, the practice—at that time and now—is that the incoming senator takes over the office of the outgoing senator.

Senator Cormann interjecting—

Senator FARRELL: Well, it is the practice. You might be able to point to some people who have not done it, but—

Senator Cormann: Including on your side.

Senator FARRELL: The practice is—

Senator Cormann interjecting—

Senator FARRELL: That is the practice. I do not say that it is universal, but that is the practice. Why is that the practice? The reason that that is the practice is that it saves money for the taxpayer, and we are always looking to save taxpayers' money in this place. The question is: why did that usual practice not apply in this case? I do not know the exact answer to that, but I have read a few statements by Senator Day as to why he did not move into the perfectly reasonable offices that I had in Gilles Street in Adelaide. He questioned the transport arrangements. I am not sure how familiar you are with Adelaide, Deputy President. It is a wonderful city full of modern transport options, and one of those modern transport options is the new tram that now goes all the way from Glenelg down to the entertainment centre. One of the reasons that I selected this particular office was that it is only a couple of minutes walk from the tram. The interesting thing about the tram in Adelaide is that, if you catch it in the—

Senator Brandis: Have you got a tram?

Senator FARRELL: Yes, we have a tram, Senator Brandis, and it is a beautiful tram. In fact, if Senator Gallagher were here we could talk about trams in the ACT. But the significant thing about this tram is that, if you catch it in the CBD, it is free. So you can catch that tram to anywhere else you might like to go. You can catch it down to the train station and you can catch it to any of the bus connections on any of the through-streets in Adelaide. And it is a couple of minutes walk from my office, and that is why we selected this particular place—because it was easy, for people who might want to come and visit their senator with a particular problem, to get into town and get to the office.

I have had a look—not a close look, but a look—at the office that Senator Day moved into on Fullarton Road. To the best of my knowledge, Senator Sterle, there are no buses, no trams and no trains running along Fullarton Road. I could be wrong about that; there may be one. But, to the best of my knowledge, there are no trams, trains or buses running along the road to Senator Day's current office.
So the question mark that I would raise is this. There was a perfectly good office in the Adelaide CBD that had two years to run on the lease. Obviously the department was more confident about my likely re-election in the 2013 elections than the people of South Australia were. So there were two years to run on that lease. It was perfectly possible for Senator Day to move in there. Why didn't he? That is the sixty-four dollar question: why didn't he?

Senator Sterle: Because he votes with them every time.

Senator FARRELL: Well, Senator Sterle, I think you might have nailed it. I think you have nailed it, Senator, because this was the opportunity. We saw guns for votes a couple of weeks ago, and now we see offices for votes. Senator Sterle has hit the nail on the head. What we saw here was offices for votes. (Time expired)

Senator DUNIAM (Tasmania) (15:09): I must thank Senator Farrell for the insightful outline of public transport in Adelaide. I did not realise they had such an extensive network.

But, as to the matters that were raised in question time today by opposition senators about the matter of Senator Day's electorate office and the matters around the lease and the like, earlier this afternoon we spent an extensive amount of time in dealing with this specific issue, by way of a motion to begin with. That has been debated and a motion was passed that the broader matters relating to this be referred to the High Court. It was supported, as far as I can tell, by all sides of this chamber. So I think it is important to reflect on the fact that that has happened.

But in that debate a number of points were made, and I have had a look at the contributions that were provided by Senator Cormann and Senator Ryan, who spoke on behalf of the government as ministers involved in this issue. So I have looked at Senator Cormann's contribution. Some of the questions I think were trying to paint a picture of a government that did not want to take a particular course of action in case it might upset a senator. But it is quite clear from reading through what Senator Cormann said with regard to his involvement in the processes—and I refer to his contributions—that he made the point that it is important to note that, at the time of executing either the heads of agreement in February 2015 or the lease on 1 December 2015, the Department of Finance was not concerned that Senator Day still had any interest in the 77 Fullarton Road property. Specifically, former Special Minister of State Michael Ronaldson had agreed to enter into the heads of agreement and the lease on the express basis that he had satisfied himself firstly that then Senator Day no longer had any interest in the property—and this was expressly confirmed by Senator Day, and also confirmed by the department, which did research in the form of title searches at the time—and secondly that there would be no net cost to the Commonwealth entering into the heads of agreement and the lease, compared to the scenario where Senator Day had accepted the earlier request of the department to move into then former Senator Farrell's office. So measures were put in place to ensure that what is being alleged here was not going to happen.

Earlier on today in the debate on the motion, they did go into some of the steps that were taken when new information came to light throughout the course of the lease and the communications from Senator Day about rent on the office. The key point is that the government was very transparent in providing all of this information about what happened there. And, as soon as new information came to light, the government responded in the most prudent way, through the Department of Finance, in making sure that everything was done in
line with the rules that apply to entitlements and with the application of the Constitution, as has been outlined earlier on today.

Senator Cormann, a little later on in his contribution, highlighted the point in time after the complaint had been made that rent had not been paid, the steps that he took in trying to protect the government and the Department of Finance from any exposure to any problems in the arrangements, and that, when the concerns were raised by the department, Senator Day's subsequent information raised further questions, and so that is why measures were put in place with regard to the lease arrangements and the vendor financing arrangements. So I think that to suggest that there was anything other than a prudent approach taken by government in dealing with this issue is just wrong. And, as discussed, we have already debated a motion to refer to the High Court the matters relating to the qualification of a senator to sit in this place, and all sides of this chamber agreed that that body is the best one to deal with the question before the Senate. These issues are inextricably linked to that question. The questions today absolutely highlight that.

I would encourage opposition senators to reread Senator Cormann's and Senator Ryan's contributions to the chamber today on this issue, because they do outline, in very detailed form, exactly what they did, when they did it, what they were thinking when they did it and why they took those steps. I think it speaks volumes for the transparency the government has in relation to—  

Senator KETTER (Queensland) (15:14): I rise to make a contribution in respect of the responses given today in relation to what we now know is the offices for votes scandal, as properly described by Senator Farrell in his contribution. Today in question time, we learnt that Senator Cormann was aware at some point prior to the election of this dodgy and rather tricky arrangement that existed in relation to Senator Day and his office. This is something where the government has a lot of questions to answer. Unfortunately, today not a lot of answers were forthcoming for us on this. But what is clear to me is that this is an exercise in favouritism by the government, particularly with respect to Senator Day. I speak from personal experience on this. Like Senator Day, I requested a change of office when I was elected as a senator. I wrote to Senator the Hon. Michael Ronaldson back in June 2014 and asked if I could have a different office to the one that was intended for me on the departure of Senator Furner. I indicated to Senator Ronaldson that there would be a better location for the office that was being proposed for me.

Of course, in those times we had the pretence of the budget emergency and the government was running around talking about the need to cut government expenditure. So I was told that not only was I not permitted to move; I was told that the current lease on the office that I was going to move into ended on 30 June and there were two options to extend the lease for a further three years each. In his correspondence, former Senator Ronaldson said: 'It is generally expected that a senator or a member will remain in an electorate office for the duration of the lease, including optioned terms.' And he said: 'While I appreciate your desire to establish an office in the other suburb, I am proposing that you remain in the Strathpine office for the lease and option terms given the significant cost associated with establishing a new office.'

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It is quite clear to me that, whereas I was obviously not seen as somebody who could deliver votes to the government, other arrangements were made to facilitate Senator Day and—
to meet his expectations. From my perspective, this is another example of favouritism. Whilst I note Senator Corman indicated that have been occasions when the government has been amenable to moves, the evidence before us at the moment is that it is only where a senator has the potential to vote very frequently with the government that we are seeing such an accommodation being made.

We have also seen that the government has provided favouritism to Senator Day in relation to the $2 million grant that was made by Senator Birmingham to the North Eastern Vocational College in Adelaide. Back then, Senator Day requested that a $1.4 million donation be made to the college. Despite the fact that he asked for $1.4 million, the government upped the ante and provided him with a further $600,000, to make it a $2 million grant to that vocational college. Whilst I do not criticise the funding of vocational education—we certainly support it—there is certainly an issue with relation to the transparency around this.

In closing, alarm bells should have been ringing in the government when we had Senator Day requesting to remain in his office in premises that were previously owned by him. This is something where very serious alarm bells should have been ringing. We are now confronted with the scandal and the unnecessary distraction of this matter being referred to the High Court because of the constitutional implications. This implicates both the Abbott and Turnbull governments, and this is distracting from the main job of getting on with jobs and the economy. (Time expired)

Senator REYNOLDS (Western Australia) (15:19): I too rise to speak on this issue. I think it is yet another sad demonstration of the parlous state of the competence of those opposite for a number of reasons. First of all, as we heard in this chamber this morning, the government has been highly transparent and, as Senator Wong confirmed, there were negotiations and discussions this morning to the satisfaction of the opposition's satisfaction. The documents were tabled and the discussion was suspended until 12.30 today to give all parties time to have a look at the documents. But we had five senators opposite raise the same issue. Those five senators, or their tactics committee, should have taken the time this morning to actually read the documents that were tabled and then listen to the two ministers who answered all of those questions during question time and in their statements between 12.30 and 1.30 this afternoon.

This leaves me wondering whether their tactics committee was so incompetent that it did not bother listening to or reading any of the proceedings in this chamber today or whether they just did not bother to provide any of the five senators opposite with a plan B relating to this. And I cannot really see a third option. So they went ahead and asked the same questions on things that had already been canvassed—not only canvassed in this chamber to the satisfaction of their leader in this place; they also voted to refer this issue through to the High Court, where it now justly rests. The government has been very transparent about this. Extensive information was provided on the process and the information. Both the Special Minister of State and the Minister for Finance made extensive statements to the Senate earlier today surrounding the circumstances of the lease of former Senator Day's electorate office. So, while we found it fascinating to hear the exposition of the tram situation in Adelaide from Senator Farrell and to hear Senator Ketter expressing some concern that he could not move his office when he wanted to, the fact is that this matter is now before the High Court, and that is where it should be.
As those opposite may have missed, the government has moved a motion in the Senate, which has been passed by the Senate, to refer the election of former Senator Bob Day to the High Court due to a potential breach of section 44 of the Constitution—again, a matter which was canvassed extensively in this place this morning. There is only one body that now has the power to determine whether former Senator Day was in breach of section 44, and that is the High Court. I think it is critically important that neither house of this parliament, including those opposite, should now try to have this matter tried outside the court and prejudice any deliberations of the High Court sitting as the Court of Disputed Returns.

But what does it say about those opposite that they raise this when they and we had canvassed this so extensively this morning in this place? Again, it is another demonstration that those opposite are bereft of serious policy to discuss in this place. Where were the questions on national security? Where were the questions on defence? Where were the questions on health, education and any of the things that are really important to all Australians? I think this is another example of a tactical misfire by those opposite. Now we see them in the process of bringing down the best opportunity we have had for marriage equality, for legal equality in this country, simply because they have got an attack of the heebie-jeebies because it was not their process that got up but the government's offer of how to get this through. So they are about to stuff that up for the public. The Legal and Constitutional Affairs References committee is limping home to a report tomorrow—

Senator Sterle: Point of order. Relevance is my point of order. There were no questions asked by the opposition to any government ministers today about what Senator Reynolds is rabbiting on about, and I would urge you to get her back to the topic.

The DEPUTY PRESIDENT: Thank you, Senator Sterle. That is a debating point. Please resume, Senator Reynolds.

Senator REYNOLDS: Thank you. As I was saying, the Legal and Constitutional Affairs References Committee is limping home to a report tomorrow on an inquiry that they breathlessly set up to try to impugn the reputation of the Attorney-General, but—oops!—it misfired and they kicked an own goal in the direction of the Solicitor-General instead. We now have another inquiry on Nauru and Manus—one that is absolutely looking at the past and not at policies of the future.

Senator Sterle: Point of order. Once again, on relevance, I raise the point of order that the senator is not going anywhere near the questions that were asked by the opposition today to ministers in question time.

The DEPUTY PRESIDENT: Thank you, Senator Sterle.

Senator Brandis interjecting—

The DEPUTY PRESIDENT: Wait for the call, Senator Brandis. Senator Brandis.

Senator Brandis: I just wanted you to know that I was seeking the call.

The DEPUTY PRESIDENT: I saw you.

Senator Brandis: Madam Deputy President, the motion before the chamber is not that the Senate take note of questions but that the Senate take note of answers, and the irrelevance of some of the questions was in fact a matter reflected upon by a number of the answers that came from ministers.
The DEPUTY PRESIDENT: Thank you, Senator Brandis. Senator Reynolds, you have been slightly wide-ranging, so I just remind you of the motion moved by Senator Farrell.

Senator REYNOLDS: Madam Deputy President, I apologise if there are so many things to demonstrate how irrelevant those on the other side are, and this latest performance in question time is just another example of the lack of significant policy discussion or leadership in this country. So what else have the Labor Party not done and not talked about? Not only have they been talking about a matter that they agreed should be referred to the High Court and should stick within the jurisdiction of the High Court; they spent five questions on issues that had already been answered and canvassed to the satisfaction of those opposite. (Time expired)

Senator CAMERON (New South Wales) (15:26): I just want to go to the issues that Senator Reynolds and Senator Duniam have raised. Firstly, let me go to what Senator Reynolds has raised here this afternoon when she talks about the important things for the Australian public. I think it is important for the Australian public to know that government funds, public funds and taxpayers' funds are not being handed over to someone who is almost a bankrupt and who is ripping off ordinary Australians, killing their dreams for a house, and ripping off contractors and apprentices in this country. I think these are the important things for Australians. They want to know that taxpayers' money is being properly spent.

What you have seen here is that we had a situation where Bob Day, the former senator, was doing cosy deals with this government, and there are more questions to be asked on this issue. The answers we had today were crafted answers, but they did not go to the questions. While these machinations are going on in the coalition, what is happening out there is that people are getting burnt really badly by the former Senator Bob Day, and it is not just those Australians that were paying deposits to get a house built and might never get that deposit back again. It is not about the employees of Bob Day himself, who were not being paid. Some of them are owed, I understand, about $160,000. While all this was going on, this government was doing cosy deals with Bob Day, and not only in his accommodation and not only on ripping apprentices off—trying to force apprentices onto youth allowance and VET FEE-HELP instead of a contract of employment and a contract of training. This guy was up to every rort. Bob Day was up to every rort he could get his hands on, and he was ripping people off, and this government was standing by, helping him to do it. That is what it was doing, providing $2 million-plus when it was asked for $1.4 million for its little mate. Two million dollars gets handed over to train 20 apprentices. How ridiculous can that get?

So there will be more questions on this government's relationship with the former Senator Bob Day. There will be more questions about who knew what and when, and what was done to protect taxpayers' money, because this is nothing more than a rort that has gone on. This is nothing more than cosying up to Bob Day because he was the most consistent number on the crossbench for this government. Whatever Bob Day asked for Bob Day was going to get from this government. 'It does not matter if he breached the Constitution; push that aside, hide it under the carpet. He's a regular vote for us. He'll do what he's told in terms of any vote.' That was the driving force behind saying to Bob Day, 'You can stay in the office that you previously owned, with all the linkages that were still there.' That was the reason he was handed over $2 million to train 20 apprentices—20 apprentices for $2 million! That is why
they have no idea about any approach to dealing with taxpayers’ money effectively when it comes to Bob Day. It was just, ’Do what you need to do.’

I see One Nation senators there, listening intently. Senators, if you want to get an idea about how you get something out of this government then follow Bob Day’s lead, because they will not ask any questions, they will not do anything and there will be no probity involved. It will simply be about getting your vote. That is the issue here. They have got no credibility on this issue whatsoever. (Time expired)

Question agreed to.

CONDOLENCES

His Majesty King Bhumibol Adulyadej of Thailand

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (15:31): by leave—I move:

That the Senate records its deep regret at the death, on 13 October 2016, of His Majesty King Bhumibol Adulyadej of Thailand, places on record its acknowledgement of his role in the development of his nation and tenders its profound sympathy to the Thai Royal Family and the people of Thailand.

His Majesty King Bhumibol ascended the throne on 9 June 1946. He was crowned on 5 May 1950. At the time of his death he was, therefore, the world’s longest-serving monarch. Upon his death, that distinction fell upon our own gracious Majesty, Queen Elizabeth II.

For over seven decades His Majesty was instrumental in making Thailand the prosperous, confident nation that it is today. He was a strong and much-revered force for stability and unity and is deeply mourned by the Thai people. Those of us who have travelled to Thailand cannot fail to have been struck by the deep reverence and, indeed, love that all of the Thai people have for their royal family. For them, the death of His Majesty—the only monarch whom almost any of them can remember—has been a source of profound national grief.

From an early age His Majesty was passionate about science. Throughout his reign King Bhumibol dedicated himself to the people of Thailand through many royal projects and charitable works which he undertook, many of them with a scientific emphasis. His Majesty took a particularly keen interest in the transformative potential of technology and how it could be harnessed to alleviate poverty for those living in the rural communities of Thailand. His ambitious rural development initiatives helped to promote appropriate farming technologies, sustainable use of water resources, conservation, flood and drought mitigation, as well as to increase access to health care and education and reduce opium harvests through crop substitution.

Through these and through countless other initiatives, King Bhumibol helped to lead his nation through over half a century of immense social, economic and political change and development. His reign saw Thailand’s population grow from 20 million to over 67 million and his kingdom emerge as one of the modern powerhouse economies of Asia. In recognition of his deep and unwavering commitment to human development, His Majesty was awarded the United Nations Development Program’s first ever Human Development Lifetime Achievement Award in 2006.

Under King Bhumibol’s stewardship Thailand also took on an increasingly active and ambitious role in international affairs. In 1967 the kingdom of Thailand became one of the founding members of ASEAN, and has more recently contributed troops to international
peacekeeping and reconstruction efforts in places as various as Iraq, Afghanistan and East Timor.

King Bhumibol was a firm friend of Australia and we are indebted to His Majesty for the strong links between our two nations, which he helped foster over so many years. Together with Queen Sirikit, King Bhumibol visited Australia for 18 days as long ago as 1962, during the golden summer of the Menzies government. Their visit would serve to inspire the formation of the first Australia-Thailand associations in Sydney and Melbourne.

King Bhumibol will be remembered for his keen intellect and his gentle spirit. His Majesty reigned, as he had pledged to do, for the benefit of the Thai people, and he worked tirelessly to enhance the welfare and happiness of his subjects. It is almost unimaginable to us to think that one human being could have given so much for so long—over seven full decades—to his people and created the proud, modern nation that Thailand is today. He will be greatly missed. As I said before, he is deeply mourned because he was deeply loved.

On behalf of the government, I extend to the Thai royal family and to the people of Thailand the deep condolences of the Australian government and the heartfelt sympathies of the Australian people.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (15:37): I rise to speak on this condolence motion on behalf of the opposition. I join my voice and the voices of my federal Labor colleagues to express our deepest sympathies to the people of Thailand on the passing of their revered head of state, King Bhumibol Adulyadej. His majesty had reigned since 1946. In total, his reign lasted for 70 years and 126 days. This made him the world’s longest-serving monarch at the time of his death—an honour which now passes to Queen Elizabeth II. King Bhumibol was a truly remarkable unifying figure for Thailand. He was highly respected on the world stage. We know the special place His Majesty held in the hearts of the Thai people, who are grief-stricken by his death at the age of 88. We join them in mourning the passing of a significant leader in world history.

Australia has a relationship with Thailand that is positive and longstanding. His Majesty and his wife, Queen Sirikit, also have their own place in Australian history as the first non-British monarchs to undertake an official tour of Australia in 1960. King Bhumibol was born in the United States while his father was studying there. In the ordinary course of events, he would not have anticipated acceding to the throne, but at the age of 18 he found himself the leader of Thailand, becoming the ninth king of Thailand’s 234-year-old Chakri dynasty. The post-World War II period was a time of great change for Thailand, as it was for many of the nations of Asia, as the shackles of colonialism were relinquished. For the next 70 years, the much-loved king unified and strengthened his country. Alongside successive governments, he guided Thailand through transformative change; indeed, Thailand is seen to be a development success story.

It was His Majesty’s leadership and own philosophy of sufficiency economy that was much credited as being the potency behind Thailand’s advancement, not only of its economy but of its people. As an approach, sufficiency economy calls for moderation, reasonableness and self-immunity, overlaid by principles of honesty, hard work, sharing and tolerance. It is through this approach that His Majesty delivered harmony, security and stability and, of course, greater economic prosperity to Thailand. Throughout his reign, His Majesty received much international recognition. However, it was his economic philosophy and his long-held
interest in pursuing rural development that was recognised with a presentation to His Majesty of the first United Nations Development Program, Human Development Lifetime Achievement Award. Just as those of us in here who believe in the transformative power that access to education can have for our children, for all children, so too did His Majesty. And it was through his commitment to rural development and the growing economic prosperity it provided that the king was able to provide an increasing opportunity to access education for each new generation of Thai children. It is perhaps fitting that his lifetime achievement was awarded on the 60th anniversary of the King's assent to the Thai throne, for it was an award which reflected the admiration of the Thai people for His Majesty, which was so obvious in the outpouring of grief in the days and weeks following his passing.

I note that there are many Australians who have travelled to Thailand and many who have travelled since the death of the King who have shown due respect to the people of Thailand as they grieve His Majesty. I am sure this respect will be continued in the weeks and months ahead as the nation of Thailand, the people of Thailand, continue their period of mourning. On behalf of the opposition, I again convey our sincere sympathies to the people of Thailand at this time.

Senator XENOPHON (South Australia) (15:41): I stand with my colleagues today to pay my respects on the passing of Thailand's King Bhumibol Adulyadej, who ascended to the throne as an 18-year-old in 1946 in the wake of World War II and who, over seven extraordinary decades, shaped modern Thailand unambiguously for the better. I note my colleagues, the Leader of the Government in the Senate, Senator Brandis, and the Leader of the Opposition in the Senate, Senator Wong, have articulately set out his achievements. The UN Development Program award that was given to him was emblematic of the enormous good that he did for the people of Thailand in terms of agricultural development and of development generally.

For a man who did not intend to be king, I note with admiration that King Bhumibol served as the longest-reigning monarch in the world, the longest-serving monarch in Thai history and the ninth king of the Chakri dynasty. His reign began in difficult times. His majesty took the throne after the Second World War. He oversaw the development of Thailand for the next 70 years, during a period of rapid growth and many challenges, into a vibrant, dynamic nation that all Australians, I believe, have a great affection for. His majesty rose to those challenges and embraced his role as a symbol of national unity, particularly in times of crisis. Twice he successfully mediated tense national disputes—first in 1973, when he allowed protesting students to shelter in his palace, and again in 1992 when he summoned his Prime Minister and the leader of the protest movement opposing him to kneel before the king on national television, where they were asked to put the national interest first. The potent symbolism of this moment and its stabilising effect was quite remarkable.

As a ruler, King Bhumibol proved to be a brave and wise leader, a man grounded in principle and a just adjudicator, who delicately balanced competing interests always in the interests of the greater good of the Thai people. With his passing at age 88, these qualities cement King Bhumibol's legacy as an extraordinary monarch, devoted to his people and to his country. I note that his son, the Crown Prince, who will succeed his father to the throne, has postponed his coronation to allow him to grieve for his late father. It is a very touching gesture. When he does succeed his father, I sincerely wish him every success as he follows in
his father's footsteps. To the people of Thailand who have lost a much-loved father figure, a wise monarch and a force of unity, I extend my deepest sympathies.

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (15:43): I rise to associate the Nationals with this motion and offer our condolences to the Thai royal family and friends and the people of Thailand on the recent passing of their beloved King Bhumibol Adulyadej. As the world's longest-reigning monarch, we must all acknowledge King Bhumibol's contribution to the remarkable and rich history of Thailand over the last seven decades, most notably His Majesty's role in forging strong relationships between Thailand and overseas countries, including the longstanding and deep connection Thailand has with Australia.

Bhumibol was born in the United States but soon returned to Thailand with his parents. At the age of just two, his father suddenly and tragically passed away, after which Bhumibol's mother, Princess Srinagarindra, chose to move her young family to Switzerland. The young Prince Bhumibol was raised there. And it was whilst growing up and studying in Switzerland that Prince Bhumibol met and fell in love with his future wife, Sirikit, the eldest daughter of the Thai Ambassador to France. Prince Bhumibol and Sirikit married in 1950. Her Majesty Queen Sirikit was admired for her beauty and her eye for fashion. She is reported to have regularly preferred wearing Australian wool clothing by French designer Pierre Balmain. Australia's wool producers ought to be proud that Australia's wool is considered worthy to be worn by royals.

It is interesting to note that King Bhumibol was not born to be king. But he did become king of the people after taking his place at the throne in 1950. It was perhaps his almost regular upbringing that instilled his caring character and ability to reach out to ordinary people. This was certainly apparent in King Bhumibol and Queen Sirikit's visit to Australia in 1962. That occasion, as one can imagine, was a most significant one. Newspapers at the time reported that there were cars lining the road between the airport and Government House, with Australians and Thai students and visitors striving for a sighting of the King and Her Majesty.

During a visit to the steelworks in Port Kembla, King Bhumibol diverted from the organised proceedings of shaking the hands of cleanly dressed workers who had been organised to greet the king and instead approached a gang of fitters and foundry hands who had paused from their regular work duties. It was reported by some of the workers, who were a bit embarrassed by their greasy hands, that the king carried through with the handshakes without a pause. I think this approach is reflective of the king's humble, caring and genuine persona.

King Bhumibol and Queen Sirikit completed their 18-day tour of Australia with the king taking part in a royal salute and an inspection of the Royal Australian Air Force guard of honour against the booming background of a 21-gun salute. Some have indicated that this Defence Force event impressed the king and may have in part influenced the decision by his son, Crown Prince His Royal Highness Maha Vajiralongkorn, to join the Australian Army's Special Air Service Regiment in Perth.

The Australian relationship with Thailand is inextricably linked. Prime Minister Turnbull recently said that the royal visit of 1962 inspired the formation of the first Australia-Thailand associations. Today, thousands of Aussies flock to Thailand to holiday—approximately 900,000 each year. More than 45,000 Thais live here in Australia and call it home. More than
21,600 Thai students were studying in Australia in 2013. We have a great friendship. It is perhaps the rich Thai history and the gentle nature and good ethos of the Thai people that appeals to Australians in choosing Thailand such a wonderful vacation destination.

The Nationals relate to the humility of King Bhumibol who, in his time, was known to have worn an open-necked shirt and boots while communicating with locals on their farms about tractors, dams, irrigation, soil fertility, crops and fertiliser. He was a very well read man. He often impressed his wider constituency, particularly in rural areas, with his vast knowledge of agriculture.

As the Prime Minister has acknowledged recently, Thailand has made major strides in economic and social development. We have King Bhumibol's heart and guiding influence to thank for aligning his country along this path. King Bhumibol was a strong advocate for regional development, to bring regional communities into the mainstream economy. He was well regarded for his visits to regional areas. His focus on growing the agricultural sector and developing communities is something that the Nationals would applaud.

Prior to my coming into the parliament I was lucky enough to have been in Korat and Kanchanaburi provinces in Thailand——on the occasion of the king's birthday in December. If you have ever been in Thailand on the king's birthday, it is quite clearly a special event. People wear yellow shirts. There are two or three approved symbols and it is basically 'Happy birthday to the king'. Wherever you go, there is this wonderful sea of yellow. Quite clearly, it is not only about people appreciating their monarchy. King Bhumibol held a very special place in the heart of his people. He was a good king and a friend to Australia. Vale His Majesty King Bhumibol Adulyadej.

Honourable senators having stood in their places—

The PRESIDENT: I thank the Senate.

Goodluck, Mr Bruce John

The PRESIDENT (15:50): It is with deep regret that I inform the Senate of the death, on 24 October 2016, of Bruce John Goodluck, a member of the House of Representatives for the division of Franklin, Tasmania, from 1975 to 1993.

NOTICES

Presentation

Senator Cameron to move:

That there be laid on the table by the Minister for Education and Training, no later than the end of question time on 10 November 2016, all documents containing information pertaining to the following matters:

(a) the visit by the then Assistant Minister for Education and Training, Senator Birmingham, to the premises of North East Vocational College at St Agnes, South Australia on or about 4 May 2015;

(b) the meeting held between the then Assistant Minister for Education and Training, Senator Birmingham, and former Senator Day on 1 June 2015 in relation to a proposal for a 'Student Builder' pilot program to be located at North East Vocational College;

(c) the meeting held between the then Minister for Vocational Education and Skills, the Hon. Luke Hartsuyker MP, and former Senator Day on 14 October 2015 in relation to a proposal for a 'Student Builder' pilot program to be located at North East Vocational College;
(d) grants of $2,025,320 made under the Apprenticeship Training - Alternative Delivery Pilots Program to Master Builders Australia, National Electrical Communications Association and North East Development Agency trading as North East Vocational College;
(e) business plans, project proposals, funding contracts, deeds and related documents pertaining to the grants referred to in paragraph (d) above; and
(f) the Recommendation Report of the Apprenticeships Reform Advisory Group (ARAG), including all appendices to the report, meeting papers and minutes of meetings of the ARAG.

Senator Fifield to move:
That the days of meeting of the Senate for 2017 be as follows:

Autumn sittings:
Tuesday, 7 February to Thursday, 9 February
Monday, 13 February to Thursday, 16 February
Monday, 20 March to Thursday, 23 March
Monday, 27 March to Thursday, 30 March

Budget sittings:
Tuesday, 9 May to Thursday, 11 May

Winter sittings:
Tuesday, 13 June to Thursday, 15 June
Monday, 19 June to Thursday, 22 June

Spring sittings:
Tuesday, 8 August to Thursday, 10 August
Monday, 14 August to Thursday, 17 August
Monday, 4 September to Thursday, 7 September
Monday, 11 September to Thursday, 14 September

Spring sittings (2):
Monday, 16 October to Thursday, 19 October

Spring sittings (3):
Monday, 13 November to Thursday, 16 November
Monday, 27 November to Thursday, 30 November
Monday, 4 December to Thursday, 7 December.

Senator Fifield to move:
That the Senate—
(1) That estimates hearings by legislation committees for 2017 be scheduled as follows:

2016-17 additional estimates:
Monday, 27 February and Tuesday, 28 February (Group A)
Wednesday, 1 March and Thursday, 2 March (Group B).

2017-18 Budget estimates:
Monday, 22 May to Thursday, 25 May, and, if required, Friday, 26 May (Group A)
Monday, 29 May to Thursday, 1 June, and, if required, Friday, 2 June (Group B)
Monday, 30 October and Tuesday, 31 October (supplementary hearings—Group A)
Wednesday, 1 November and Thursday, 2 November (supplementary hearings—Group B).

(2) That pursuant to the orders of the Senate of 26 August 2008, cross portfolio estimates hearings on Indigenous matters be scheduled for Friday, 3 March, Friday, 26 May and Friday, 20 October 2017, but not restricted to these days.

(3) That the committees consider the proposed expenditure in accordance with the allocation of departments and agencies to committees agreed to by the Senate.

(4) That committees meet in the following groups:
   Group A:
   Environment and Communications
   Finance and Public Administration
   Legal and Constitutional Affairs
   Rural and Regional Affairs and Transport
   Group B:
   Community Affairs
   Economics
   Education and Employment
   Foreign Affairs, Defence and Trade.

(5) That the committees report to the Senate on the following dates:
   (a) Tuesday, 28 March 2017 in respect of the 2016-17 additional estimates; and
   (b) Tuesday, 20 June 2017 in respect of the 2017-18 Budget estimates.

Senator Smith to move:
That the Joint Committee of Public Accounts and Audit be authorised to hold public meetings during the sittings of the Senate, from 9.30 am, as follows:
   (a) Wednesday, 23 November 2016; and
   (b) Wednesday, 30 November 2016.

Senator Rhiannon to move:
That the Senate—
   (a) notes that:
      (i) since 2013-14, former Senator Day has donated over $500,000 and forgiven a loan of $1.47 million to Family First,
      (ii) an independent auditor's report in 2013 found Home Australia Group's liabilities exceeded its assets by nearly $31 million, and
      (iii) over 200 customers have been left with unfinished homes; and
   (b) calls on:
      (i) the Family First Party to return all money received from Mr Day and his companies so that money can be used to pay creditors, and
      (ii) the Government to legislate for caps on political donations from individuals.

Senator Wong to move:
That there be laid on the table by the Attorney-General, by no later than 9.30 am on Wednesday, 9 November 2016, the legal advice provided to the Government in relation to the eligibility of former Senator Day to be elected as a senator for South Australia, as referred to in the Senate on Monday, 7
November 2016 by the Special Minister of State (Senator Ryan) and the Minister for Finance (Senator Cormann), and provided by David Jackson QC, and any related documents that have not already been laid on the table.

**BUSINESS**

**Rearrange**

*Senator McGrath* (Queensland—Assistant Minister to the Prime Minister) (15:51): I move:

That general business order of the day no. 36 (Criminal Code Amendment (Misrepresentation of Age to a Minor) Bill 2016) be considered on Thursday, 10 November 2016 under the order relating to consideration of private senators' bills.

Question agreed to.

**COMMITTEES**

**Economics References Committee**

*Senator Urquhart* (Tasmania—Opposition Whip in the Senate) (15:51): by leave—

At the request of Senator Ketter, I move:

That the Senate adopt the additional terms of reference contained in the interim report of the Economics References Committee on its inquiry into non-conforming building products which was presented out of sitting on 18 October 2016.

Question agreed to.

**BUSINESS**

**Leave of Absence**

*Senator Siewert* (Western Australia—Australian Greens Whip) (15:52): I move:

That leave of absence be granted to the following senators:

(a) Senator Di Natale for today, on account of illness; and

(b) Senator Ludlam for the remainder of 2016, for personal reasons.

Question agreed to.

*Senator Bushby* (Tasmania—Chief Government Whip in the Senate) (15:52): I move:

That leave of absence be granted to Senator Abetz for 7 and 8 November 2016, for personal reasons.

Question agreed to.

**NOTICES**

**Postponement**

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

Business of the Senate notice of motion no. 1 standing in the name of the Leader of the Opposition in the Senate (Senator Wong) for today, proposing the disallowance of the Legal Services Amendment (Solicitor-General Opinions) Direction 2016, postponed till 10 November 2016.

Business of the Senate notice of motion no. 2 standing in the name of Senator Siewert for today, proposing the disallowance of the Classification Amendment (CHC Domain Scores) Principles 2016, postponed till 9 November 2016.
General business notice of motion no. 92 standing in the name of Senator Farrell for today, proposing the introduction of the Commonwealth Electoral Amendment (Donation Reform and Transparency) Bill 2016, postponed till 10 November 2016.

COMMITTEES

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

- Economics References Committee—Future of Australia’s naval shipbuilding industry, extended to 1 December 2017.
- Implications of financial advice reforms, extended to 30 June 2017.

The DEPUTY PRESIDENT: I remind senators that the questions may be put on any proposal at the request of any senator.

MOTIONS

National Congress of Australia's First Peoples

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:54): I move:

That the Senate—

(a) notes that the National Congress of Australia's First Peoples (National Congress) was formed in 2010 by Aboriginal and Torres Strait Islander leaders after the abolition of the Aboriginal and Torres Strait Islander Commission in 2005;

(b) acknowledges that the National Congress has a board of elected Aboriginal and Torres Strait Islander peoples;

(c) recognises that the National Congress is in a dire financial position; and

(d) calls on the Minister for Indigenous Affairs to fund the National Congress for three years at a cost of $15 million, and establish an interest-bearing sinking fund of $100 million to ensure that the National Congress is able to continue its vital work beyond the three year electoral cycle.

Senator McGRATH (Queensland—Assistant Minister to the Prime Minister) (15:55): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator McGRATH: Congress is an important stakeholder and the government acknowledges its role as an advocacy body for some Indigenous Australians. The government does not support this motion as congress has already received $30 million to establish itself independent of government and it is inappropriate to divert over $100 million from front-line services for an independent advocacy group. However, in recognition of the important role of congress, I can advise that the government is working with congress to establish other funding sources, including through fee-for-service and philanthropic arrangements.

Question agreed to.

United Nations Framework on the Convention of Climate Change

Senator WATERS (Queensland—Co-Deputy Leader of the Australian Greens) (15:55): At the request of Senator Di Natale, I move:
That there be laid on the table by the Minister representing the Minister for Foreign Affairs, by no later than 1 December 2016, the modelling referred to by New Zealand in the United Nations Framework on the Convention of Climate Change session SB145(2016) that details the Government’s emission and removals projections for 2030.

Senator McGrath (Queensland—Assistant Minister to the Prime Minister) (15:56): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator McGrath: Australia’s most recent projections update published in April this year show that Australia is on track to meet and beat our 2020 target by 78 million tonnes of carbon dioxide equivalent. The Department of the Environment and Energy is currently preparing updated projections of Australia’s greenhouse gas emissions. Once finalised, they will be made public in the usual way.

Question agreed to.

Photography in the Senate

Senator Hinch (Victoria) (15:57): I seek leave to amend general business notice of motion No. 94 standing in my name for today concerning an amendment to an order of the Senate relating to photography in the Senate chamber.

Leave granted.

Senator Hinch: I move the motion as amended:

That the order of the Senate agreed to on 13 October 2016, relating to photography in the chamber, be amended by omitting ”28 November 2016”, and substituting ”7 November 2016”.

Question agreed to.

MATTERS OF PUBLIC IMPORTANCE

Turnbull Government

The DEPUTY PRESIDENT (15:58): The President has received the following letter from Senator Gallagher:

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

The continuing chaos and dysfunction from the Turnbull government.

Is the proposal supported?

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

The DEPUTY 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 O’Neill (New South Wales) (15:58): I rise to speak today to the reality of the chaos and dysfunction of this amazingly spectacular government in terms of the show of chaos and dysfunction. In any assessment of this government—it does not matter where you look, from superannuation to the backpacker tax, from the plebiscite to placating the right wing of his party who want to undermine our racial discrimination laws—this is a government
in chaos in every area of policymaking and in every area of management of its parliamentary responsibilities. It is a government at war with itself.

There are many causes of this chaos, but let’s just begin with one particularly obvious one: there in the House of Representatives sits the member for Warringah—the lord of chaos; the Trojan mouse—reluctantly occupying his space on the backbench surrounded by his admiring legions. From there he looks down at the frontbench he occupied so ingloriously and whispers under his breath: ‘Soon, Malcolm. Soon.’ He is planning his resurrection day by day and gathering a group of chaotic wanderers around the corridors to join in the chaos making with him.

To add to this chaos that resides on the backbench, there is no sense of a cohesive and ordered leadership. They have no idea how they have ended up here and what they want to do. Along with the Prime Minister, this government has lost its sense of purpose. Malcolm once had a cool veneer of enlightenment. It appears to have been discarded, along with his leather jacket. And into the fray now we have the chaos and dysfunction of a government that does not know what it stands for anymore and a leader who does not know who what he stands for anymore. He has disappointed an entire nation, and that is powerfully demonstrated by polling that indicates his absolute loss of esteem in the Australian community.

On a very serious note, even this government’s closest allies—those who back it up at every turn; of those who remain who are still talking to it—are freely admitting that the Abbott-Turnbull government is a tremendous disappointment. Before the election, stakeholders were promised one thing—certainly they were promised stable government. Indeed the whole Australian community was promised stable government in the sense that having a double dissolution would clean up the mess of the Senate. Well, if ever that was a falsity that was displayed, today is a wonderful demonstration of how chaotic this place is in terms of what the Liberals have delivered for the Australian people. It is like being promised a Rolls Royce and getting a horse and cart, and a clapped-out one at that. This is also a dysfunctional government that has upset everyone: doctors, teachers, nurses, business leaders, economists and the Solicitor-General, who is not to be forgotten in the midst of the chaos that we have seen from this government. They have certainly reinforced the fears of everybody who disagreed with them and, in addition to that, they have even alienated and alarmed those who they thought agreed with them.

This list of badly-thought-through and badly-executed policy ideas is a very long one, but let’s just look at a couple, such as the NBN and its profound disappointment to people who have had it rolled out. There is the real NBN and there is the NBN that the government decided that you should have—a far lesser version of what Australia needs for economic capacity and the ability to drive productivity. There is also the chaos and the distress caused by making it more expensive and difficult for people to visit their GPs. We have had incredible alarm raised by the Australian Medical Association and the Royal Australian College of General Practitioners. The reality is that the cost to go the doctor is now increasing for so many people. Doctors’ business models are unsustainable as we see this government wed to a policy of a freeze on the Medicare rebate. The consequences of that and the dysfunction that it causes for our society are very, very significant. It is not just about this place. The dysfunction that is emerging from those people who are implementing the policies here is replete throughout our entire community.
Then there is the area of mental health—an issue so important to so many Australians. This government is presiding over a period of time where there has been an increase in suicide.

Senator Ian Macdonald: We put money into it because your lot never did!

Senator O’NEILL: We have Senator Macdonald over there interjecting. Let's put on the record what actually happened with mental health since the leather-jacket-wearing Mr Turnbull arrived as Prime Minister. He made the colours of this government very, very clear to the Australian public in his MYEFO statement where he withdrew $141 million from mental health. That was one of his first vandalism acts in terms of cutting money from health.

The chaos that that sort of decision making by this government wreaks in the community is astounding and the impacts are devastating, most often for those who have the least capacity to speak about it and those who have the least capacity to do something about it. And let's not forget those who, until fairly recently, worked inside the Abbott-Turnbull government who are now broadcasting on every media possible what a dysfunctional government it is. They are happy to speak out of school on every occasion about how much drama and chaos is going on inside this government. Having lost control of their own destiny, in their absolute desperation to do deals with anybody and everybody they have even mucked that up. I think the scale of the undertakings of this government to try and secure votes in this place started to become apparent to the Australian population today. What is it that they will not do to secure power and what is it that they will do to create the context for chaos and dysfunction?

They get the simplest of things wrong, even over in the House. You will remember a few Thursdays ago that Australians were surprised when a few of the ministers, obviously thinking that they did not need to show up and do their job, decided that they would take an early mark and removed themselves from the parliament. They were called back, and there was such a long period of time spent trying to clean up the mess there. They ended up hanging around for three hours to have a discussion. Instead of going to the heart of the problem, which is what this government should be doing—dealing with problems in an organised, structured and coherent way—their chaotic and shambolic way of dealing with it was that they decided to come back the next week and change the standing orders in the House so they could not be caught out again. It is like they are playing a game; that they think this is some sort of game—that being the government of Australia is a game that they can play, and that they can keep information hidden from the Australian population: 'It's all right; they don't need to know.'

Today we saw a very, very important change in the order of the business to discuss matters relating to two senators whose status in this place remains unknown at this time. Sadly, we have a problem with accessing the information from this government. Documents were provided—yes, they were provided. We had to delay the discussion of those from 9.30 to 12.30—again, more chaos that is accruing from the actions of those opposite. But we actually have an incomplete set of pieces of information provided to the Senate. They are trying to explain away the shame of what has been going on. We heard in explanations today that there was evidence that was given in briefs to counsel. But that evidence has not come to the Senate. That evidence is not being put out because this government is trying to hide so much from the Australian people. That is part of what is causing the chaos and dysfunction as well.

There is a degree of manipulation of information and hiding information that they cannot even keep straight amongst themselves. There is a hubris and an arrogance and a failure to
sense that they need to be totally honest, open and accountable with the Australian people. They need to be open, honest and accountable to this Senate and provide details. But they cannot do that because they have come in here and won government with the slimmest of margins—by one seat in the other place. There are dodgy deals going on here in the Senate and the government are not able to hold this together. That is not only because of the chaos of their decision making, still trying to implement some of those massive cuts that they brought in under the Abbott budget. The implications of that in the public place are profound and devastating. But right here in this place their lack of respect for this chamber is creating the context in which this government are unable to be trusted.

I have had many conversations with the people from the media who sit in here and who are scrutinising this government. They have a breathtaking concern about the level of secrecy that this government is operating under. That is part of the chaos and dysfunction that is this government's signature. (Time expired)

Senator IAN MACDONALD (Queensland) (16:08): I thank Senator O'Neill for the humour at the end of her speech.

Senator Payne: The theatre.

Senator IAN MACDONALD: Yes, the theatre. It would have woken up anyone who might have the misfortune to be listening to this debate. Sadly, I have only 13 minutes to try to list the outcomes and positive progress that has happened in Australia since the Turnbull government was elected and before that, of course, under the Abbott government.

I would like to pause for a moment on that to say that, for anyone who follow these things and can remember the dysfunction of the Rudd-Gillard-Rudd government, any government after that would look progressive and positive. I still remember my old mate Senator Cameron's line when he referred to his colleagues as lobotomised zombies—and they are talking about disunity in this government! There are so many factions in the Labor Party that even those in the Labor Party forget which faction they are in now. You should ask Senator Carr which faction he now is in.

A government senator: Or Senator Conroy.

Senator IAN MACDONALD: Well, he is former Senator Conroy now. Let's not speak ill of the dead, except to say this. I note the Minister for Defence has graced the debate with her presence. The Labor Party kept trying to find someone to be shadow minister for defence and kept picking the absolute worst people possible. The comment about Senator Conroy reminded me of that.

I am reducing my time. As I say, 13 minutes will not allow me to but scratch the surface of the great advances that have occurred in this nation since the advent of the coalition government. I will start with defence, as the minister is here. A wonderful white paper has set the plans for defence for years into the future. It is a credible, costed plan that will protect Australia. All credit to you, Minister, for presiding over that wonderful white paper.

Part of the white paper, indirectly, was the comprehensive strategic partnership with Singapore which will result in 14,000 Singaporean troops training at new defence facilities in Australia—$1.2 billion worth. That is all paid for by the Singaporeans, I might say. It does not cost the Australian taxpayer one cent. But it will bring those troops, their money, their
leave time and their operations to Australia. That is, again, one of the most exciting things that has happened up in Townsville where I am based.

Talking about Townsville reminds me of the wonderful work the government did with the northern Australia white paper. Already there has been $6 billion worth of investment into northern Australia as a result of the coalition government's interest in the north. That is opposed to what you get from Labor. Labor have no interest in the north at all. They used to have Senator McLucas in here, who I rarely agreed with, but at least she was from the north and at least she put a northern view to the Labor Party. Of course, the Labor Party got rid of her. They dumped her and replaced with a union hack, a failed state candidate who not only comes from Brisbane but has moved further south to the Gold Coast. That is the interest the Labor Party have in northern Australia.

Australia's economic growth has strengthened 3.3 per cent—the fastest growth of any of the G7 economies. That is a wonderful credit to the Treasurer, the Prime Minister and all of the cabinet. But importantly after Labor and the Greens—because they always work together; they are one and the same—had six years in government they did not do one thing about multinational tax avoidance. It was left to the incoming coalition government to start on the world's toughest laws to make multinational companies pay their tax. Labor and the Greens did absolutely nothing in six years.

Senator Polley: You're trying to rewrite history.

Senator IAN MACDONALD: These are all facts, Senator Polley, not the fairytales that we will hear from you when you get to your feet next.

Over the past year, over 220,000 new jobs have been created. Perhaps, Senator Polley, you might be interested in this because you and some of your colleagues talk a lot about women in jobs. You never did much when you were in government. I say to you that, of the 220,000 new jobs created, over 60 per cent have gone to women. So the coalition does not use the mantra or the rhetoric that the Labor Party do. It does not use quotas to get women in places. The coalition government actually goes out and does it and gets new jobs for women.

Senator O'Neill mentioned the NBN. Well, Senator O'Neill, I was connected up just on Friday. I have not yet been at home long enough to know the advantages of the NBN, but it is happening even in my small country town of Ayr way up in North Queensland where I live. The NBN is now there. If I had waited for Senator Conroy's model I would have been a much older man by the time the NBN came around. Congratulations to Senator Fifield on the advances he has made and the sense he has brought to the NBN.

I live in the regions. I travel a lot in the regions. I understand the importance of communications out there, and we are working on that: high-speed broadband to regional and remote areas, phone towers and 3,000 blackspots addressed with the $220 million Mobile Black Spot Program. The original satellite was not well received, and I have acknowledged that and spoken to my government about that. The proof is in the pudding, but I am told the second satellite will hugely improve communications in the more remote areas.

New export trade agreements, the advantages to Australia of the Korea, Japan, China, Singapore and Thailand free trade agreements, all of which were negotiated under coalition governments, have been enormous. They will be particularly helpful for people in the state I represent, Queensland, where we have to trade to live. We produce far more than we can
consume locally, and these free trade agreements—particularly in the areas of beef, sugar and horticulture—are wonderful news for Australians in the primary industries area.

Mental health care was mentioned by the previous speaker, obviously without any idea of the facts of the matter. Under the coalition government there has been increased funding for more localised mental health care and support services. There was an additional $192 million provided for 12 suicide prevention centres, 10 more headspace facilities—that wonderful initiative of the coalition government—and an innovative IT trial for 24/7 support. We are implementing a national innovation and science agenda. There is over $1 billion to make it easier for innovative enterprises to access capital and collaborate with researchers to attract talent from overseas.

When history is written in relation to the story of border security in Australia the Labor Party will be seen as the wreckers. They have no plan at all. They opened the borders and allowed in anyone who might like to head to Australia. It was no matter, it seemed, to the Labor Party that thousands of them, that we know of, were killed on the way. That did not seem to worry the Labor Party or the Greens. Under the coalition government we have the world's most generous refugee policy. We have a proper immigration policy that is properly planned. When people come here they are welcomed here, they have jobs and they have homes. Labor just opened the borders and let anybody in at all.

The coalition government has done a wonderful job as well in security in these dangerous times. The No. 1 duty of a government is to try and keep its citizens safe and we have done that with increased legislative activity and support for ASIO, the AFP and other agencies.

Health care was mentioned. I do not know where Senator O'Neill lives or what left-wing rag she reads, but the fact of the matter is that bulk-billing by GPs has increased to record levels with 17 million more GP services bulk-billed in 2015-16 compared to Labor's last year of office. Thanks to Minister Ley, medicines are now cheaper and we have added life-saving medicines to the PBS. I am so proud of what we have done with health. Senator Smith was involved in the hepatitis C campaign. A drug that is worth about $80,000 for one person for one treatment is now on the PBS for, what, $37. Thanks to Senator Smith and his little team for working on that. I proudly say that I had a little part in that as well.

We have a National Innovation and Science Agenda, which is something that will equip Australia for the future. The note that I am glancing at talks about infrastructure. I am sorry, not only do I need another 13 minutes but also I need another 13 hours just to talk about infrastructure. The former Prime Minister, Mr Abbott, said he wanted to be known as the ‘infrastructure Prime Minister’. He certainly set the path there and that has been continued by Mr Turnbull with over $50 billion in land infrastructure, promoting investment and building the economy. That is what it is all about: building the economy. Also, some $4 billion is going into public transport investment to get cities moving. We have a minister looking after cities. I cannot even start the list of infrastructure things. Therefore, I will move on a bit to talk about NDIS, which is supporting 460 people living with disabilities over the next period of time.

Our National Ice Action Strategy includes some $3 million to improve treatment, after care, education, prevention, support and community engagement in dealing with that horrible scourge of Australian society. I could go on and on but my time is just about out.
Finally, I will come back to this chamber. One of the other things this government was able to do was to introduce Senate voting reform, so that we are ending the days of backroom deals and preference whisperers. Individual voters now decide who represents them in the Senate. It has been a wonderful litany of progress and advancement under the Turnbull government.

Senator WHISH-WILLSON (Tasmania) (16:22): Everything you need to know about what is wrong with this government can be found in one picture that is doing the rounds on social media today: a picture of Senator Bernardi, over in New York on secondment to the United Nations thanks to the taxpayers of Australia, wearing a hat that says, 'Make Australia great again.' It is a slogan—'Make the US great again'—that has been used by Mr Donald Trump in the US to enact change, because Donald Trump clearly believes that the US needs to change. What does Senator Bernardi do? He gets the same cap made for Australia. Senator Bernardi clearly did not believe the Prime Minister when the Prime Minister said at his first press conference out here in the courtyard that there is no better time than now to be an Australian.

The problem with this government is that it is divided. It is a divided government, and that is reflected in just about every piece of legislation that has come to this chamber. The government is without a compass. It is totally directionless and it has not dealt with any of the moral challenges and key issues that the Australian people expect it to. If you surveyed the citizens around this country and asked them what they believe the great moral challenges of our time are, they would talk to you about things like climate change, job security and economic inequality—the gap between the rich and the poor, which gets worse every year. They would talk to you about housing affordability, which is a major crisis for young and low-income Australians. Yet what is the government doing about these issues that really matter to this nation? If you want to make Australia great into the future then tackle the issues that matter.

What do we get instead, Senator Smith—through you, Mr Acting Deputy President? A plebiscite bill that you disagree with. It is divisive, a waste of money and a waste of our time. It makes us cop out on our responsibilities. We get a backpacker tax. We are going to tax some of the poorest people in Australia, who are here on a working holiday. They earn bugger-all, Mr Acting Deputy President, but we are going to go after them for 19 per cent of their earnings when they are here. They are absolutely critical, Senator Williams—through you, Mr Acting Deputy President—as a pool of labour that primary producers in country and rural Australia rely on. What a thought bubble that one has turned out to be!

What about the two pieces of legislation we have dealt with in this 45th Parliament? One has been an omnibus bill to find $5 billion in savings. Guess who the government took the money off? Those who could least afford it: single parents, students, Newstart recipients and those in clean energy action. To make it an even bigger slap in the face to this nation, two weeks later the government turned around and introduced into this place a bill to spend $4 billion of the money they had just saved on a tax cut for the wealthiest Australians—to give a tax cut to millionaires. Senator Polley—through you, Mr Acting Deputy President—you supported this. Your party has given Prime Minister Malcolm Turnbull two clear victories in this parliament, victories that I believe go against the grain of what we need to do. The government are in chaos. Had you not supported them on those bills, they would have had no legislation through the Senate. And that legislation should not go through the Senate, because
it is not good for Australia. It is a thought bubble. There is no vision, no courage and absolutely none of the reform that is needed in this country. We in the Greens are open to a conversation about raising revenue, spending money where it is needed and helping to retire debt if that is an issue, but where is the real reform? Why aren't we getting rid of perverse incentives like negative gearing and capital gains tax concessions, which have helped lead to the property price bubble and a housing affordability crisis in this country? We can actually raise money and fix equality issues at the same time. There is so much we could do if we only had the courage to tackle the issues that matter.

And then there is climate change. In July the recording station at Cape Grim in Tasmania measured carbon dioxide at 400 parts per million. Four hundred and fifty parts per million is irreversible climate change. Only four months later it is at 404 parts per million. Within five years we are going to pass 450 parts per million. What are we doing about it? Absolutely nothing.

**Senator POLLEY** (Tasmania) (16:27): I rise to speak about the continued dysfunction and chaos that has been evident every single day since 1 July, when the coalition were returned to the government benches, and that continues. They have no idea what they are doing. They have a leader who had a plan to become Prime Minister of this country. The only problem was that when he was elected Prime Minister he had no plan. Today we have again had it demonstrated that he has no vision and no plan for this country.

It always delights me to follow Senator Macdonald's contributions in this chamber. Once again he talked a whole heap of nonsense. He is trying to rewrite history: every problem in the world today has been caused by the former Labor government. Well, that was too long ago now; the reality is that the problems we have in this country now and the disunity Senator Macdonald has in his party are caused by a lack of direction and lack of leadership from the Prime Minister, Mr Malcolm Turnbull.

We know that every time Mr Tony Abbott has the opportunity to get in front of the cameras he does everything he can to help the Prime Minister! But what do we have with the Prime Minister? When I am out in the community, most people say, 'Where is Malcolm Turnbull?' because we do not know who he is anymore. What they do see is a pale shade of Mr Abbott. There is really not a lot of difference when it comes to their policies. After telling us for months and months that they have stopped the boats coming to Australia, those opposite come up with this new thought bubble that Mr Turnbull caught as it was floating past. They thought, 'Let's get attention away from our own internal problems, from our own disunity and dysfunction.' Every time this government get into it any difficulty—and we know that Malcolm Turnbull's popularity is going down the drain—they turn either to national security issues or to 'Let's bash refugees!' What did they do? They went after the refugees. The Australian people are actually getting quite fed up with that, because they know, as everyone in this chamber knows, that a divided government cannot fulfil their obligation to provide good government for the Australian people.

When the Prime Minister addressed delegates at the Liberal state conference in my home state of Tasmania, with the demonstration of the sort of commitment and innovation that this government has created, what did the Prime Minister talk about? He talked about nine jobs that have been created in Tasmania. I for one am happy for every additional job that is created in my home state. But for a Prime Minister to swagger go on about nine jobs being created
from this innovative, agile government was a joke. It was an embarrassment. Then we had the
former Senator Richard Colbeck making his contribution, talking about—this is not the Labor
Party; this is a former Liberal Senator from Tasmania—the disunity in his own party. He
himself encouraged the party to come together. He knows, from talking to people around the
community, that disunity is death to a government.

As I said, most people in the country are saying, 'Who is this Malcolm Turnbull?' He has
lost his sense of self. They have no idea who he is. He has sold out on all of his principles,
and we know that he has done that to the far right of the Liberal party. Today, we hear that Mr
Turnbull is about going back on his word again on 18C. For months he has been saying that
he will not relent on this policy. He said, 'The balance is right on 18C.' So what has he done
again? He has done another backflip to appease the right within his party. Mr Turnbull will do
and say anything to remain Prime Minister. We know that the numbers are being counted on
that side. The problem is that there is not a clear candidate. Otherwise, Mr Turnbull would
meet the same fate as Mr Abbott did. That is the state of play with this government.

There have been a number of thought bubbles. If you recall not so very long ago the Prime
Minister went out and said, 'Oh, there is a thought bubble; let's increase the GST to 15 percent
on everything.' Then, because they finally understood that the community would
not support
that, he let that thought bubble go again, and it went floating off. But it landed in Western
Australia. Then we had the Liberal Premier of Western Australia wanting a bigger share of
the GST.

Senator Smith: Quite rightly so!

Senator POLLEY: And I know, Senator Smith, you are very vocal in standing up for
your state. And that is a good thing. But 15 percent on everything for everyday Australians
was a no. We will never—never ever—support an increase of the GST to 15 percent. No one
has forgotten about the massive tax break that has been given to big business over the next 10
years.

As I said, there has been one thought bubble after another floating across the sky. When
things get hard for the government, yes, they grab another thought bubble. Now, they have
turned it on to the refugees—wanting to permanently ban refugees from coming to Australia.
That thought bubble will end up where it should be—on the floor. This internal dysfunction
and chaos within this government continues to reign free when housing prizes continue to
rise, living standards are falling, people are worried about their jobs and access to health. Mr
Turnbull, as I said, cares about one thing. He cares about one job—that is, he his concerned
about keeping his job as Prime Minister of this country. He has to ensure that he dances to the
tune of those in the right for fear that Mr Abbott may end up getting the numbers and coming
back. After all, Mr Abbott went to the United Kingdom and told everyone that would listen
that he was going to be Prime Minister again of this country. I do not know where that
thought bubble came from, but, from the information I have from those on the other side, Mr
Abbott will not have the numbers to come back. They are still just trying to get the numbers
for who it will be. Will it be Mr Morrison? Well, I was told, 'No. That's a B rating. Mr
Morrison doesn't have it to become Prime Minister.' Does Julie Bishop have it? No, she does
not have it because she does not understand loyalty. She chops and changes leaders probably
more than some Australians have hot meals.
We know that this government has an incompetent minister for health—the worst Minister for Health and Aged Care that this country has ever seen. She lacks not only any vision or passion but any interest at all when it comes to older Australians. She is unashamedly the worst minister for health and ageing ever. Well, I should correct myself: it is not ‘ageing’, because this government does not give a damn about ageing. What she is is the Minister for Health and Aged Care. We also have the worst Treasurer. This Prime Minister and incompetent Treasurer are running the risk of this country losing the triple-A rating. Shame on those on the other side. We know that all their talk about debts and deficits during an election campaign means nothing because when they get into government they lack the vision for good policies. They are only interested in looking after the top end of town. And here we are: the gold-plated, triple-A credit ratings from all three global rating agencies are under threat because of Mr Turnbull and Mr Morrison.

As a former investment banker you would have thought that Mr Turnbull would have a better handle on economic policies. But, unfortunately, no, he does not. The plan that he had when he came to the House of Representatives was to become Prime Minister. And he has succeeded. You have to take you hat off for him. He knifed Tony Abbott and now he is Prime Minister. Unfortunately, he does not know what to do with it. This is a time when we need a Prime Minister with strength, vision and the capacity to bring together not only his party and his government but the nation. I have to say that he is a very, very poor reflection of a good prime minister.

Then we had today—and we debated it this morning—about the former Senator Bob Day and the relationship with the government. Back in February 2014—almost three years ago—they knew there were problems with Mr Day and a property he owned because the Department of Finance advised them not to enter into any agreement. But, once again, they only listened to the advice that they wanted to hear. (Time expired)

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (16:37): One of my great joys in travelling all the way across the Nullarbor from Perth via Melbourne to get to Canberra to come to the Senate is to follow Senator Polley in debates like this on a Monday afternoon.

Senator Polley: You always follow me; I love it!

Senator SMITH: I do follow you—and sometimes I think to myself that perhaps Senator Polley is related to the Brothers Grimm, those two characters that are very, very famous for their storytelling and tales of folklore, because while her speeches are well written and show great imagination, they are very, very poor on facts and content. It would be great if Senator Polley could stay, but that is okay; I know that senators are very, very busy.

But I do want to use my opportunity this afternoon to put some facts on the record. We heard Senator O’Neill talk again, incorrectly, about the progress that is being made with regard to the National Broadband Network. Senator O’Neill, from the North Coast of New South Wales, regularly comes in here to talk about the National Broadband Network and very rarely, if ever, gives an accurate account of the rollout of the National Broadband Network.

In addition, Senator Polley, Senator O’Neill and other Labor senators often come in here to talk about Medicare and bulk-billing, again, with the absence of any facts about the significant progress that is being made in regard to Medicare in our country. So I am going to
dispel some of those inaccuracies again this afternoon. Then, if time allows, I would like to
talk briefly about what the government is doing to support economic growth and deliver jobs
and job security for Australians.

It is dispiriting to begin another sitting week—this is the third final sitting week of this
year's parliamentary calendar—with another pointless MPI from the Australian Labor Party.
But, unfortunately, that is something that we have become accustomed to in this very, very
eyear part of what is the 45th parliament. It is interesting to read the MPI today, talking about
'chaos and dysfunction'. But you do not have to take yourself too far back into Australia's
political history to see with great accuracy the chaos and dysfunction that characterised the
former Labor government.

Let me just give you a bit of an insight into what Labor's thinking is when they come to this
particular part of a parliamentary sitting day and they are trying to think about how to inject a
bit of debate and shift the political focus away from the good things the government is doing,
improving the quality of life for many, many Australians and giving them job opportunities.
Their thinking is quite a simple one: they like to look back into history, look at a strategy that
the coalition might have used in trying to draw attention to Labor's dysfunction and then try to
apply it in a modern context.

Some of you might recall that in the early 2000's Kim Beazley would often call John
Howard arrogant. Of course, reflecting back on John Howard's successful career as Prime
Minister of our country, I think we would all agree that John Howard was most definitely not
arrogant. But Labor was thinking that because John Howard had used the word 'arrogant' so
successfully against Paul Keating they decided in those days to adopt the same strategy—a
lack of imagination on their part—and go and call John Howard arrogant. But, of course, we
know that that failed. So we find today that they are now just trying to accuse this new
government, elected on 2 July, with the claim of being chaotic and dysfunctional, knowing
that that is the characteristic that more than beset the previous Labor government; it became
the stand-out or hallmark feature of their period of time in government.

I think it is important for those people who might have nothing to do one day in the future
to go to the Hansard and have a look at the sorts of things that were being discussed today.
What occurred in the Senate today was quite a proper process. What we were discussing
earlier today was the matter of eligibility of particular individuals to serve in this Senate
chamber. Indeed, we know that the process is a proper one because the government's efforts
to refer those matters to the High Court were actually agreed to—endorsed—by Labor. Now,
only a few hours later, we are being accused of being a government characterised by chaos
and dysfunction. It is a bit rich for the Labor Party to vote to support the government's course
of action in these matters on the one hand but then turn around only a couple of hours later
and try and say there is chaos and dysfunction.

Presumably, if the process that had been undertaken earlier today was dysfunctional and
chaotic then their votes in the chamber would not have been there to support the government's
course of action. So the fact that Labor voted to support what the government has done today
is very, very powerful evidence that the process is proper and that the government is not
characterised by chaos and dysfunction. I think it is important to also put on the record that
what we are talking about are two senators from the crossbench. We are not talking about two
senators from the government benches.
Let me just turn to dispelling some myths. Let me start by dispelling some myths around the National Broadband Network. I noticed that it was absent from Senator Polley's contribution. She normally likes to talk about the National Broadband Network across Tasmania. We might hear a little bit from Senator Lambie about the National Broadband Network. We did hear a lot about it in Senator O'Neill's contribution. So let me just put some facts on the table. If you would bear with me, Mr Acting Deputy President, I would like to put 10 facts on the table about the National Broadband Network before I start to talk about some facts in regard to Medicare and bulk-billing across the country.

Let me start with fact No. 1 in regard to the National Broadband Network. Under this coalition government the NBN Co is connecting more active users every month than Labor connected during its entire time in government. What that means is there have been close to 90,000 new active services over the past month compared to just 51,000 at the time of the 2013 election under the previous Labor government. Fact No. 2: under the coalition government the National Broadband Network has hit every rollout target since the coalition came to government. Fact No. 3: the NBN is now available to one in four Australian premises—more than 3.2 million premises. Fact No. 4: the NBN now has over 1.4 million active connections. To put this in context, I will share with you, Mr Acting Deputy President O'Sullivan, and others, some of Labor's facts when it comes to the National Broadband Network. Fact No. 5: the NBN will be available to half of all Australian premises by the end of June next year, increasing to three-quarters of all premises—that is, nine million premises—by the end of June 2018. Fact No. 6: today, nearly two-thirds of all premises are in design, under construction or ready for service under the National Broadband Network. Remember that Senator O'Neill said this afternoon that the National Broadband Network was broken. It is far from broken under the stewardship of this Prime Minister and under the stewardship of the new Minister for Communications, our colleague Senator Fifield. Fact No. 7: 70 per cent of premises covered by the NBN today are in regional and non-metropolitan areas. I know firsthand the powerful transformative effect this is having as I travel across regional Western Australia and see the rollout of the NBN. It is interesting that very few people are now having the fibre discussion, because they can see for themselves and experience for themselves, that the wireless NBN service is of a high quality—I will come to the issue of speed soon, because I know that it is top of mind for many people in non-metropolitan areas. Fact No. 8: the NBN is more affordable under the coalition than it was ever going to be under Labor. Labor's gold-plated version required peak funding of $49 billion compared to costings under the coalition. Fact No. 9: speed was for a long time a very complex and demanding issue when it came to building confidence in the National Broadband Network for consumers—this is the final fact in support of the government's NBN rollout plan—the coalition's NBN will provide download speeds of 25 megabits to all premises and 50 megabits to 90 per cent of fixed-line premises in Australia. Why is that important? Because speed was such an important argument and issue in the debate we had for many, many years around the National Broadband Network. What is the lived experience? What are consumers actually doing? Four out of five users are purchasing NBN plans with speeds of 25 megabits or less.

In the very brief time still available to me I will touch briefly on the issue of Medicare. This is important. A standout feature and a characteristic of the federal election campaign was Labor's Medicare scare campaign—we still hear it today. But Labor conveniently want to
overlook the very real facts with regard to Medicare spending in this country. Let me start—very, very briefly—by reminding people about what is really happening with bulk-billing rates. Bulk-billing rates in our country are the highest they have ever been. GP bulk-billing rates are 85 per cent compared to an average of just 79 per cent under Labor. Across Australia last financial year, there were over 17 million more bulk-billed GP attendances compared to Labor’s last full year in office. What does that mean? It means that more people are going to the doctor in Australia and seeing a GP without having to pay anything. You would not know that if you listened to Labor. You would not know that, if you paid too much attention to what Labor was saying. In the brief time available to me, I could go through every state and share with you what that means at a grassroots level, but I will leave that for another contribution at another time, when I am sure I will follow Senator Polley. *(Time expired)*

Senator LAMBIE (Tasmania) (16:49): I rise to contribute to today’s matter of public importance, namely the continuing chaos and dysfunction from the Turnbull government. I do not want this statement to be true. I want this government to run smoothly without chaos and dysfunction, because that would mean there would be a greater chance of this parliament successfully delivering for the people of Tasmania. But, unfortunately, the chaos and dysfunction seen in the Abbott-Hockey government has infected the Turnbull-Morrison government. That is probably because the original cause of the dysfunction, Mr Abbott, still remains in parliament and has taken his political inspiration from Liberal leader Bob Menzies instead of Harold Holt. Perhaps we have not seen the dysfunction to the level where the Liberal Party was forced to sack an elected Prime Minister and send the Treasurer to America on a plumb diplomatic job, but the dysfunction is there nonetheless.

One of the best examples of the political dysfunction of the present-day Liberal and National parties is the way this government has single-handedly killed off the backpacker seasonal workforce in the rural areas and the industries of Tasmania and the other states. The Liberal government has known about the backpacker tax crisis for 16 months—since May 2015. Already, under the new leadership of the Liberal and National parties, the backpacker tax crisis has caused tens, possibly hundreds, of millions of dollars of damage to Tasmania’s farming and tourism industries because of political arrogance, stupidity, dysfunction, inaction and the lack of consultation—and do not even mention modelling, which went AWOL. The facts also show that Tasmanian Liberal senators have either, firstly, no influence in Canberra and are dangerously incompetent or, secondly, are part of a deliberate Liberal plan to destroy the tourism, berry, fruit and vegetable industries in Tasmania. They have sat back, made lame excuse after lame excuse and watched while Tasmanian farmers have been slowly strangled of seasonal workers and are forced to risk their families’ life savings.

Tasmanian farmers and tourism operators now know that their best chance of survival is an independent fair-minded crossbench. All Tasmanians in the agriculture and tourism industries—especially those who recently visited Canberra—and all of the Tasmanian farmers and business leaders who have spoken out against the government’s 19 per cent tax, or the original 32.5 per cent tax, now know that if the government held a majority in the Senate there would be no hope in hell of scrapping this unfair, stupid and damaging backpacker tax.

I have to thank a number of fellow crossbench senators for indicating today that they will support my plan to lower the tax rate to zero per cent rather than the government’s proposed 19 per cent. If the Labor Party chooses not to support the zero per cent, I will put forward
another amendment to lower the government's rate from 19 per cent to 10.5 per cent. Every day the backpacker tax issue drags on, more international damage is caused to brand Tasmania.

While at the moment the Liberals' dysfunctional plans to change higher education have been temporarily shelved, I will not forget attempts by this Liberal Party to bribe or bully me into voting for their plan to impose $100,000 degrees on Tasmanian uni students. I was reminded of this Liberal political dysfunction when Prime Minister Turnbull was forced, after an election promise, to deliver an extra $150 million to the University of Tasmania. And we have managed to achieve this welcome boost to our higher education without students having to face the prospect of paying for $100,000 degrees.

My Australian jobs first stand was vindicated recently when the stevedore company DP World spectacularly backflipped. Initially DP World indicated no Liberal maritime law changes and no Burnie port development. What a load of rubbish! In recent weeks the company has finally acknowledged that I and other crossbench senators were correct. DP World has recently admitted that they could establish an international port in Burnie without the parliament agreeing to the Liberals' changes to coastal shipping legislation which threatened the jobs of 400 seafarers. This is further proof of a dysfunctional Liberal-National policy which could come back while ever we have a dysfunctional Mr Abbott and his supporters driving policy of the Turnbull government.

In closing, if there was no dysfunction, the Senate would not have agreed with me and established investigations into, firstly, the high rate of veteran suicides and the Department of Veterans' Affairs dangerous and dysfunctional management of veterans; secondly, the extraordinary crisis in the Australian dairy industry; and, thirdly, the unaccounted for hundreds of millions in Commonwealth funds that was set aside for but not delivered to approximately 26,000 Indigenous Tasmanians.

Senator WATT (Queensland) (16:54): When he grabbed power from Tony Abbott just a little over a year ago, we all remember the current Prime Minister, Malcolm Turnbull, making a lot of promises to the Australian people. He was going to restore economic credibility. He was going to solve climate change. He was going to usher in all sorts of social reform in his beautiful leather jacket that he used to parade on Q&A. As a Labor person, I remember actually being a little bit concerned by the number of people I came into contact with who were visibly not only breathing a sigh of relief that Australia had finally seen the back of Tony Abbott and all of his cronies but also very excited that perhaps at last Australia had a grown up in charge.

The ACTING DEPUTY PRESIDENT (Senator O'Sullivan): Senator Williams, on a point of order?

Senator Williams: I ask that you request that Senator Watt refers to those in the other place by their correct title, not just by their Christian surname. That is how this chamber has operated in the eight years I have been here.

The ACTING DEPUTY PRESIDENT: Senator Watt, you might recognise that protocol.

Senator WATT: I am happy to do that for the remainder of my speech. As I said, I remember people being visibly relieved that, perhaps with the new Prime Minister, we had an adult in charge. But it has not really taken very long for us to be so sorely disappointed by this
government. Not only is it clear that we do not have a grown up in charge in the current Prime Minister and his government; we do not even have a bunch of children in charge. This government is worse than a bunch of children. The only analogy I can think of to describe the way this government operates is a children's TV show: The Muppets.

We have all sorts of characters out there who come straight off a TV show. Recently I as well as several other witnesses had to endure an inquiry into the actions of the Solicitor-General, one of Australia's foremost legal minds, which subjected him to haranguing by the Senate's own Statler and Waldorf, Senator Macdonald and Senator O'Sullivan, for hour after hour. We saw it again in Senate estimates with Senator Macdonald back in action yet again.

Of course, The Muppets is also an apt analogy because the government is led by its very own Kermit the Frog. Kermit's most famous song is 'It's not Easy Bein' Green'. It seems that the Prime Minister has also found it not very easy being green in a party as right-wing as his own has become.

The Muppets, of course, is a puppet show, and we know who the puppetmaster in this government is. He is beaming in on a daily basis through his Twitter account wearing all sorts of caps, and that puppetmaster is Senator for South Australia Cory Bernardi. He is out there in New York as we speak, telling Australians that he is out there proudly campaigning for Donald Trump. He not only says he is going to make American great again with Donald Trump but is also threatening to come back to Australia and make Australia great again, which is quite an admission about the lack of performance from this government over the last couple of years.

In preparing for this speech this afternoon I challenged myself to come up with 10 examples of how this government has stuffed things up the, what, three or four months it has actually been in office. Not only did I get to 10; I could actually go above 10 without even trying to think about it. First of all we had the double-dissolution, called because apparently we needed the ABCC to start reimposing the rule of law on Australian construction sites. Of course, we did not hear one thing about the ABCC during the election campaign, and now this government has to keep deferring it because it has not got the numbers to get it through.

Second is section 18C, the section of legislation which is designed to prevent racial hatred. I remember when this was first floated by coalition senators led by Senator Bernardi just after the election. This Prime Minister said that this was not a priority. Of course, in the last few days he has had to crawl back from that because he is crawling up to Senator Bernardi every moment he gets. Very clearly this Prime Minister is about to sell out yet again on something he believes in by backing an inquiry to remove the prohibition against racial hatred.

We had the royal commission called after those terrible events about the treatment of young people in detention in the Northern Territory were brought to light, but this government could not even find a commissioner who could remain in that role for 48 hours. Very quickly they had to come up with a replacement. There was census fail, which all Australians know way too much about. Within weeks they were losing debates on the parliament floor, the first government to do so in decades. Even today the government in the House of Representatives has seconded a motion moved by Labor criticising the government for the way it is dealing with pensions. We have had all sorts of tax changes that were taken to the election by this government: superannuation changes, backpacker taxes and company taxes. The government has walked away from them, all election commitments, at a rate of
knots. They have had a plebiscite that they cannot get through this chamber. They have had dodgy guns-for-votes deals that they tried to get up to before they were exposed. They have absolutely brutalised the Solicitor-General until he has had to resign. Now we get to this week, where they are relying on Senator Day in the new offices-for-votes scandal. This government is not adults. They are not children. They are a bunch of muppets.

The ACTING DEPUTY PRESIDENT (Senator Back): The time for the discussion has expired.

PETITIONS

Marriage

Senator RICE (Victoria) (16:59): by leave—I present to the Senate a document which is a nonconforming petition of 92,068 signatures against the marriage equality plebiscite and to allow a free vote on marriage equality in the parliament.

DOCUMENTS

Department of Human Services

Consideration

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:03): by leave—I move:

That the Senate take note of the document.

The Department of Human Services’ annual report for 2015-16 talks about the issue of the Public Governance, Performance and Accountability Act 2013. When you look at said annual report, it makes a lot of comments. I would particularly like in the short time I have available to talk about the criteria to achieve face-to-face service level standards and also the achievement of telephony-service-level standards and the average speed of answer.

They make a claim—they also made this claim in estimates—that the phone services are answered within 16 minutes. If you take an average across every single line they happen to have into Centrelink, perhaps that is true. This figure seemed remarkable, given the complaints that I get into my office. Also, when you read the Ombudsman’s report into Human Services and Centrelink, look at the average wait times. For somebody with a disability it is 24 minutes and 47 seconds, for employment it is 25 minutes and 33 seconds, for families it is 23 minutes and 25 seconds, for older Australians it is 17 minutes and three seconds and for young people it is 25 minutes and 35 seconds. As you can see, those are much longer than the 16 minutes that the department claims, so it is extremely misleading.

Let’s go on to look at other telephone services from the Department of Human Services and from Centrelink. There were a total of 28,991,000 missed calls to Centrelink. There were 7,122,981 abandoned calls because people had been on the line for far too long trying to get through to Centrelink. By far, this is the biggest level of complaints that we get in my office because I am the spokesperson on Centrelink, income management and family and community services. We get a number of complaints about the length of phone calls and also the way that they have to keep making phone calls in.

The Ombudsman have done several reports on Centrelink and the Department of Human Services. They did a first report on the Department of Human Services called Investigation into service delivery complaints about Centrelink. They published that one in April 2014.
They made 33 recommendations. They then followed that up with a second report *One year on from the Centrelink Service Delivery Report: A report on the Department of Human Services’ implementation of the Ombudsman’s recommendations*. Thirteen of them were implemented, eight were in the process of being implemented, one was being considered and 11 had only been partially implemented.

In the executive summary of the Commonwealth Ombudsman’s report into the Department of Human Services they say:

Centrelink’s phone services are discussed in detail as they remain a primary concern of complainants to this office. In some respects, Centrelink’s phone services have deteriorated further as we now routinely receive complaints from people who have not been able to get through to the DHS Complaints and Feedback line to make a complaint about their phone experience on other Centrelink lines.

You cannot even get through to complain to DHS!

They then say:

While DHS has a Key Performance Indicator … for the speed at which calls to Centrelink’s numbers should be answered, we are concerned that the KPI is not a helpful indicator of customers’ experiences or likely wait time. We also note that the problems with Centrelink’s telephone services are likely to persist until such time as it is resourced to meet that demand or the demand is reduced as a result of improvements to digital service channels.

There you have it, folks. The technology they have for the telephone services is not satisfactory. In the meantime, instead of the government waiting until the rest of the services are up to speed and people are not waiting nearly half an hour, which is the average time for those lines, they are forcing people more and more to go online—and I have not even dealt with the online failures—and onto the telephone where people sometimes wait for hours! The department then says: ‘It is because people hit redial.’ Of course they are hitting redial if they cannot get through. Somebody who was e-mailing and Facebooking me about this said: ‘If I need to talk to Centrelink, I have to write the morning off. I get a cup of tea and I just sit down, because I know I am going to get nothing else done.’ This service is not good enough for the people who need Centrelink support. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

The PRESIDENT: To confirm, Senator Siewert, your documents up to No. 174, apart from those that have been discharged, will be retained.

**DOCUMENTS**

Consideration

The following documents tabled earlier today (see entry no. 2) were considered:

Auditor-General—Audit report no. 20 of 2016-17—Performance audit—The management, administration and monitoring of the Indemnity Insurance Fund: Department of Health; Department of Human Services. Motion to take note of document moved by Senator Bilyk. Debate adjourned till the next day of sitting, Senator Bilyk in continuation.

Auditor-General—Audit report no. 21 of 2016-17—Performance audit—Reforming the disposal of specialist military equipment: Department of Defence. Motion to take note of document moved by Senator Bilyk. Debate adjourned till the next day of sitting, Senator Bilyk in continuation.

Auditor-General—Audit report no. 23 of 2016-17—Performance audit—National rental affordability scheme – Administration of allocations and incentives: Department of Social Services. Motion to take note of document moved by Senator Bilyk. Debate adjourned till the next day of sitting, Senator Bilyk in continuation.


Australian Communications and Media Authority (ACMA) and the Office of the Children's eSafety Commissioner—Reports for 2015-16. Motion to take note of documents moved by Senator Bilyk. Debate adjourned till Thursday at general business, Senator Bilyk in continuation.


Federal Court of Australia—Report for 2015-16, including report of the National Native Title Tribunal. Motion to take note of document moved by Senator Carr. Debate adjourned till Thursday at general business, Senator Carr in continuation.

Federal Circuit Court of Australia—Report for 2015-16, including financial statements for the Family Court of Australia. Motion to take note of document moved by Senator Carr. Debate adjourned till Thursday at general business, Senator Carr in continuation.


Independent Hospital Pricing Authority (IHPA)—Report for 2015-16, including report of the Clinical Advisory Committee. Motion to take note of document moved by Senator Carr. Debate adjourned till Thursday at general business, Senator Carr in continuation.


*Migration Act 1958*—Section 486O—Assessment of detention arrangements—Personal identifiers


*Migration Act 1958*—Section 486O—Assessment of detention arrangements—Personal identifiers


*Migration Act 1958*—Section 486O—Assessment of detention arrangements—Personal identifiers


Treaty—*Multilateral*—Trans-Pacific Partnership Agreement between the Government of Australia and the Governments of: Brunei Darussalam, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, the United States of America and Vietnam and associated side letters (Auckland, 4 February 2016)—Corrigendum to the national interest analysis. Motion to take note of document moved by Senator Carr. Debate adjourned till Thursday at general business, Senator Carr in continuation.


Australian Federal Police (AFP)—Report for 2015-16, including reports on assumed identities, the National Witness Protection Program and unexplained wealth investigations and proceedings. Motion to take note of document moved by Senator Carr. Debate adjourned till Thursday at general business, Senator Carr in continuation.


Australian Competition and Consumer Commission—Report to the Australian Senate on anti-competitive and other practices by health insurers and providers in relation to private health insurance for the period 1 July 2014 to 30 June 2015. Motion to take note of document moved by Senator Carr. Debate adjourned till Thursday at general business, Senator Carr in continuation.


National Health Funding Pool—Report for 2015-16, including financial statements for state and territory State Pool Accounts. Motion to take note of document moved by Senator Carr. Debate adjourned till Thursday at general business, Senator Carr in continuation.


Repatriation Commission, Military Rehabilitation and Compensation Commission and the Department of Veterans' Affairs—Reports for 2015-16, including financial statements of the Defence
Service Homes Insurance Scheme. Motion to take note of documents moved by Senator Carr. Debate adjourned till Thursday at general business, Senator Carr in continuation.


Transport—Funding of infrastructure projects—Letter from the Auditor-General (Mr Hehir) responding to the resolution of the Senate of 3 February 2016. Motion to take note of document moved by Senator Carr. Debate adjourned till Thursday at general business, Senator Carr in continuation.

Science and technology—Commonwealth Scientific and Industrial Research Organisation Review—Letter from the Cabinet Secretary (Senator Sinodinos) responding to the order of the Senate of 10 October 2016, and attachments. Motion to take note of documents moved by Senator Carr. Debate adjourned till Thursday at general business, Senator Carr in continuation.

Indexed lists of departmental and agency files for the period 1 January to 30 June 2016—Statements of compliance pursuant to the order of the Senate of 30 May 1996, as amended—Attorney General's portfolio; Australian Taxation Office; Department of Veterans' Affairs; Environment and Energy portfolio. Motion to take note of documents moved by Senator Carr. Debate adjourned till Thursday at general business, Senator Carr in continuation.

Departmental and agency appointments and vacancies—Budget (Supplementary) estimates 2016-17—Letters of advice pursuant to the order of the Senate of 24 June 2008—Attorney General's portfolio; Foreign Affairs and Trade portfolio; Health portfolio. Motion to take note of documents moved by Senator Carr. Debate adjourned till Thursday at general business, Senator Carr in continuation.

Departmental and agency grants—Budget (Supplementary) estimates 2016-17—Letters of advice pursuant to the order of the Senate of 24 June 2008—Attorney General's portfolio; Cancer Australia; Foreign Affairs and Trade portfolio. Motion to take note of documents moved by Senator Carr. Debate adjourned till Thursday at general business, Senator Carr in continuation.

Estimates hearings—Unanswered questions on notice—Budget estimates 2016-17—Statement pursuant to the order of the Senate of 25 June 2014—Defence Housing Australia. Motion to take note of document moved by Senator Carr. Debate adjourned till Thursday at general business, Senator Carr in continuation.

COMMITTEES

Membership

The PRESIDENT (17:08): I have received letters requesting changes in the membership of various committees.

Senator FIERRAVANTI-WELLS (New South Wales—Minister for International Development and the Pacific) (17:09): by leave—I move:

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

Education and Employment References Committee—

Appointed—

Substitute member: Senator Rhiannon to replace Senator Hanson-Young for the committee’s inquiry into corporate avoidance of the Fair Work Act 2009

Participating member: Senator Hanson-Young

Electoral Matters—Joint Standing Committee—

Appointed—Participating member [for the committee’s inquiry into the 2016 election]: Senator Hinch

National Broadband Network—Joint Standing Committee—

Appointed—Participating member: Senator Hinch

Question agreed to.
BILLS

Appropriation (Parliamentary Departments) Bill (No. 1) 2016-2017
Appropriation Bill (No. 1) 2016-2017
Appropriation Bill (No. 2) 2016-2017

First Reading

Bills received from the House of Representatives.

Senator FIERRAVANTI-WELLS (New South Wales—Minister for International Development and the Pacific) (17:09): I move:
That these bills may proceed without formalities, may be taken together and be now read a first time.
Question agreed to.
Bills read a first time.

Second Reading

Senator FIERRAVANTI-WELLS (New South Wales—Minister for International Development and the Pacific) (17:10): I move:
That these bills be now read a second time.
I seek leave to have the second reading speeches incorporated in Hansard.
Leave granted.
The speeches read as follows—

APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 1) 2016-2017

Appropriation (Parliamentary Departments) Bill (No. 1) 2016-2017 provides appropriations for the remainder of 2016-17 for the operations of:
• the Department of the Senate;
• the Department of the House of Representatives;
• the Department of Parliamentary Services; and
• the Parliamentary Budget Office.

This Bill is substantively the same as the Bill of the same name that was introduced into the previous Parliament in May this year.

Together with Supply (Parliamentary Departments) Act (No. 1) 2016-2017, this Bill provides appropriations for the expenditure of the Parliamentary Departments for the full year of 2016-17.

The provisions in the Bill seek authority for appropriations broadly equivalent to 7/12ths of the estimated 2016-17 annual appropriation, plus Budget measures.

This Bill seeks approval for appropriations from the Consolidated Revenue Fund of just over $147 million.

The Department of Parliamentary Services would receive just over $25 million to maintain the integrity and amenity of Parliament House.

Details of the proposed expenditure are set out in the Schedule to the Bill and the Portfolio Budget Statements previously tabled in the Parliament.

APPROPRIATION BILL (NO. 1) 2016-2017

Appropriation Bill (No. 1) 2016-2017, Appropriation Bill (No. 2) 2016-2017 and Appropriation (Parliamentary Departments) Bill (No. 1) 2016-2017, form the principal Bills underpinning the
Government's Budget. Together with the Supply Acts passed by the Parliament earlier this year, these Bills provide appropriations for the full year of 2016-17.

These Bills are substantively the same as the Bills of the same names that were introduced into the previous Parliament in May this year. Minor changes have been made to reflect only new administrative arrangements and machinery of government changes.

Appropriation Bill (No. 1) 2016-2017 seeks authority for meeting the expenses of the ordinary annual services of the Government for 2016-17.

The Bill seeks approval for appropriations from the Consolidated Revenue Fund of just over $49 billion.

The provisions in the Bill seek authority for appropriations broadly equivalent to $18 billion for the Department of Defence to keep our nation safe and pursue our national interests.

Okra, Accordion, Highroad, Resolute and Manitou.

Second, the Department of Education and Training would receive just under $1.3 billion. This includes funding to support the skills and training system; enhance Australia’s science and research capacity; support families with flexible, accessible and affordable child care; and, support the sustainable development of Australia’s international education and research engagement.

Third, the Department of Infrastructure and Regional Development would receive just under $781 million in funding for 2016-17. This includes funding to support the Infrastructure Investment Program; support for Transport programs, which includes the Tasmanian Freight Equalisation Scheme and the Bass Strait Passenger Vehicle Equalisation Scheme; grants to promote stable, secure and viable local and regional economies; and, support for the Indian Ocean Territories and Norfolk Island.

Fourth, the Australian Broadcasting Corporation would receive just over $610 million in 2016-17 and the Special Broadcasting Service Corporation would receive just over $168 million in 2016-17 to continue to provide television, radio and online services.

Details of the proposed expenditure are set out in the Schedule to the Bill and the Portfolio Budget Statements previously tabled in the Parliament.
2016-2017, this Bill provides appropriations that are not for the ordinary annual services of Government for the full year of 2016-17.

I now outline four significant items provided for in this Bill.

First, the Department of Communications and the Arts would receive just under $4.9 billion in 2016-17. This is required to provide equity funding to NBN Co to continue to roll out the National Broadband Network.

Second, the Department of Defence would receive just under $1.4 billion, which includes an additional $700 million in 2016-17, to support the defence strategy and capability plans detailed in the 2016 Defence White Paper.

Third, the Department of Infrastructure and Regional Development would receive just under $544 million for in 2016-17. This would be used to support Roads to Recovery to help local governments and councils maintain Australia's roads; Drought Communities Programs; preparatory works on Western Sydney Airport; and, an equity injection for the Moorebank Intermodal Company.

Fourth, just over $310 million is proposed for the Department of Agriculture and Water Resources. This includes $50 million in concessional loan funding in 2016-17 to establish the National Water Infrastructure Loan Facility. Loans would be provided to the states and territories to support major water infrastructure projects.

The Bill also provides the Debit Limit for the Nation-building Funds, the Building Australia Fund and the Education Investment Fund; the general purpose financial assistance payments; and, the national partnership payments. The Debit Limits relate to the estimated expenditure after November 2016.

Details of the proposed expenditure are set out in the Schedules to the Bill and the Portfolio Budget Statements previously tabled in the Parliament.

Debate adjourned.

Ordered that the resumption of the debate be made an order of the day for a later hour.

Building and Construction Industry (Improving Productivity) Bill 2013


First Reading

Bills received from the House of Representatives.

Senator FIERRAVANTI-WELLS (New South Wales—Minister for International Development and the Pacific) (17:10): I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator FIERRAVANTI-WELLS (New South Wales—Minister for International Development and the Pacific) (17:11): I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—
Introduction

The Coalition Government will always stand up for the rule of law.

The Building and Construction Industry (Improving Productivity) Bill 2013 will re-establish the Australian Building and Construction Commission (ABCC) to ensure the rule of law prevails on building sites across the country.

A fair, safe and productive building and construction industry is crucial to the Government's economic plan for jobs and growth.

Following the double-dissolution election, which we called as a result of the Senate twice rejecting this legislation, we have a clear mandate to proceed with our election commitment to re-establishing the ABCC.

Re-establishing the ABCC will boost economic growth and generate more jobs in the building and construction industry.

The building and construction industry is a key driver of growth and is vital to the competitiveness and prosperity of the Australian economy.

As a sector, it is the nation's third largest employer.

One in every 10 Australian employees rely on this industry for jobs and income.

The building and construction sector accounts for around eight per cent of gross domestic product.

Unfortunately for too many years, the industry has provided the worst examples of illegal industrial behaviour, unnecessary disruption and unrest.

Two royal commissions have now identified systemic unlawful behaviour in the construction industry.

The sheer weight of evidence regarding this unlawful conduct is staggering.

The case for re-establishing the ABCC is stronger now than when the Bill was first introduced in 2013.

As far back as 2003, the Cole Royal Commission into the Building and Construction Industry documented a litany of examples of industrial relations lawlessness.

In its final report late last year, the Royal Commission into Trade Union Governance and Corruption presided over by former High Court Justice Dyson Heydon revealed nothing has changed.

The industry is still marred by illegal strikes, constant bullying, intimidation and thuggery.

Dozens of court decisions since 2005 have highlighted the lawless culture within the industry.

At the end of July 2016 there were 107 CFMEU representatives either before the courts, the Fair Work Commission or both for breaches of industrial law.

The courts have imposed fines of over $8.25 million on the CFMEU and its officials.

However, clearly the current penalty levels are ineffective in deterring unlawful conduct by construction unions.

As the courts have noted, the CFMEU appears to regard financial penalties as 'simply a business cost like any other', and that 'there is plainly a need to impose punishment to deter the CFMEU and others like it from treating this country's industrial laws as little more than an annoyance'.

Details of the Bill

The Building and Construction Industry (Improving Productivity) Bill 2013 is introduced in the same form as the bills which were voted down twice by the previous Parliament.
The main object of this Bill is to provide an improved workplace relations framework to ensure building and construction work is carried out fairly, efficiently and productively for the benefit of all building industry participants and for the benefit of the Australian economy as a whole.

The Bill upholds and promotes respect for the rule of law and ensures respect for the rights of all building industry participants.

The Bill includes the ability for the courts to impose significant penalties for individuals and organisations that participate in unlawful action.

The Bill contains appropriate and effective safeguards to ensure due process.

The use of the ABCC examination powers will continue to be reviewed and reported on by the Commonwealth Ombudsman.

A re-established ABCC will also administer a building code that will govern industrial relations arrangements for government-funded projects.

This will ensure that the enterprise bargaining agreements and the conditions on government funded building sites are fair and that taxpayer dollars are used efficiently.

An advance version of the code has been released.

The code is intended to formally commence at the same time as the re-established ABCC.

The Government remains firmly committed to the twin goals of addressing lawlessness in the building and construction industry while also improving safety.

For this reason, the Bill retains the role of the Federal Safety Commissioner and the Australian Government Building and Construction Work Health and Safety Accreditation Scheme.

There is strong evidence that the Federal Safety Commissioner has improved safety in the industry.

The majority of companies covered by the scheme have reported significant declines in injury rates.

Accredited companies have fewer fatalities – although, as we know, any fatality is one too many.

**Myths**

Regrettably, many falsehoods have been spread by building unions about the scope and intent of this legislation.

Even more regrettably, some of these falsehoods have been repeated by members and Senators in the previous Parliament.

They have suggested, wrongly, that bill would deny human rights and liberties, and that it will impact on safety and productivity.

These suggestions are not only far-fetched and fanciful but offensive.

I can assure you that the Bill contains no provisions that would prevent legitimate safety issues on building sites from being raised and addressed by employees, unions, or state and territory work health and safety regulators.

The concerns raised about the ABCC’s use of compulsory examination powers are also not valid.

Powers of this kind are not novel.

They are available to a range of other Commonwealth regulatory bodies such as the Australian Competition and Consumer Commission, the Australian Prudential Regulation Authority, the Australian Securities and Investment Commission, the Australian Taxation Office, Centrelink and Medicare.

It has been said that productivity did not grow under the ABCC.

Again, a falsehood.
In fact, when the ABCC existed, the economic and industrial performance of the building sector improved significantly. Australian Bureau of Statistics (ABS) data shows that, during the operation of the ABCC, labour productivity in the construction industry increased by 20 per cent.

In contrast, the market sector industries index increased by only 12 per cent.

The ABS data also shows that, following the abolition of the ABCC, both labour productivity and multifactor productivity in the construction sector remain flat.

**Conclusion**

The Coalition Government is committed to doing all that is necessary to reform the building and construction industry to ensure the rule of law prevails in this sector.

Taxpayers, consumers, small businesses and workers will all benefit from the re-establishment of the ABCC.

Importantly, this Bill encourages productivity and the pursuit of high levels of employment in the building and construction industry.

It will ensure that the government’s policy to deliver the infrastructure of the 21st century is delivered on time and on budget.

This bill will create jobs and investment by ensuring employers and workers in the industry can get on with the job without fear of intimidation.

The Coalition Government wholeheartedly believes that every worker in this country deserves to be able to go to work each day without fear of being harassed, intimidated or subjected to violence.

When the laws are not strong enough to deter unlawful behaviour, something is wrong and something needs to be done.

No person in Australia — woman or man — should have to work in an industry where the rule of law is routinely defied.

The Productivity Commission has pointed out that female participation in the industry has declined over the past two decades.

This is against the trend in most other industries.

It is hardly surprising that women might be hesitant about engaging in an industry where there is so much documented evidence of bullying and intimidation.

We hear repeatedly from those opposite excuses for the bad behaviour of the CFMEU.

The point they refuse to acknowledge is that the CFMEU’s unlawful and damaging industrial disruption drives higher costs in the industry which, in turn, threatens the ability to fund construction of more schools, hospitals and other important social infrastructure.

Blockades and work stoppages cripple productivity and delay the delivery of important projects like the Commonwealth Games sites on the Gold Coast and the Lady Cilento Children’s Hospital in Brisbane.

We also need to stop rogue union officials using safety as an industrial weapon. Safety on building sites is paramount and should not be undermined.

The Coalition Government will honour its commitment to the Australian people to restore the rule of law on our building sites.

This Bill will ensure our construction industry is safe, productive and free of intimidation and harassment. This will create the conditions for Australians to get the infrastructure they need at a price we can afford.

BUILDING AND CONSTRUCTION INDUSTRY (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2013

This Bill will ensure a smooth transition from the institutions, functions and powers created by the Fair Work Building Industry Act 2012 to the new arrangements established by the Building and Construction Industry (Improving Productivity) Bill 2013. This Bill also deals with residual operation of the Building and Construction Industry Improvement Act 2005 where necessary.

Debate adjourned.

Fair Work (Registered Organisations) Amendment Bill 2014

First Reading

Bill received from the House of Representatives.

Senator FIERRAVANTI-WELLS (New South Wales—Minister for International Development and the Pacific) (17:11): I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator FIERRAVANTI-WELLS (New South Wales—Minister for International Development and the Pacific) (17:12): I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

FAIR WORK (REGISTERED ORGANISATIONS) AMENDMENT BILL 2014

Since 2013, the Coalition has sought repeatedly to honour the commitment it made to the Australian people to legislate to improve the governance and accountability of registered organisations -- unions and employer organisations.

Sadly, this legislation was blocked by the previous Parliament time and time again, and consequently was one of the reasons for July's double-dissolution election.

We fought the double-dissolution election on our industrial relations commitments – and won. Following our re-election we are therefore again seeking to honour our commitment to the Australian people by re-introducing the Fair Work (Registered Organisations) Amendment Bill.

The case for reform is clear and compelling. Is there anyone who honestly believes the current governance provisions are doing the job? This Parliament cannot ignore the reams of financial impropriety and gross breach of trust demonstrated by office holders of the Health Services Union, including former ALP National President, Michael Williamson, and former ALP Member of Parliament, Craig Thomson.

• Since then the evidence heard by the Royal Commission into Trade Union Governance and Corruption has made it abundantly clear that the Health Services Union officials' behaviour was not an isolated instance.
The final report of the Royal Commission outlines many appalling examples of misconduct in unions, together with many employers with which they deal.

What we find are grave failures of governance and a lack of accountability and transparency within Australia’s workplaces and, in some cases, a deep-seated culture of lawlessness among union officials. The final report outlines allegations of bribery, extortion, and payments being made in exchange for cutting workers’ entitlements.

In a number of these cases, the misconduct occurred while the Royal Commission was ongoing. We saw cases of serious misconduct, such as the shameless misuse of members’ funds by the NSW branch of the National Union of Workers, happening as recently as 2015 – at a time when the Registered Organisations bill had twice been rejected by the Senate.

While the previous Parliament was endlessly deliberating passage of this important legislation, NUW officials saw fit to spend more than $100,000 of members’ hard earned money on holidays, toys, dating service subscriptions and even a tattoo.

No one, including those opposite, can deny that there is a serious problem that needs to be urgently addressed. This conduct will continue unless something is done to stop it.

It is the interests of union members that are at stake -- the interests of ordinary working men and women of Australia who have been so let down by so many officials of the union movement.

The government sincerely hopes that, following the double-dissolution election and in light of the findings of the Heydon Royal Commission, members and senators in this new Parliament will be convinced of the need for this legislation.

The Fair Work (Registered Organisations) Amendment Bill 2014 is introduced in the same form as the bills which were voted down repeatedly by the previous Parliament in 2015.

The bill contains measures designed to improve the standard of governance of registered organisations and deter wrongdoing. In short, these include:

- a robust regulator with appropriate powers and resources;
- BULLET a strong regulatory regime with enhanced financial accountability provisions; and
- BULLET meaningful sanctions that can be applied when wrongdoing is revealed.

To improve oversight of registered organisations, the Bill will establish the Registered Organisations Commission, a dedicated watchdog with enhanced powers to monitor and regulate registered organisations.

Members of registered organisations – and the broader community – have a right to expect that any wrongdoing is identified quickly and dealt with swiftly.

This Bill will strengthen existing financial transparency obligations of registered organisations and officers and align them with obligations that currently apply to companies and company directors.

Some registered organisations control revenue and assets worth many millions of dollars. These are businesses controlling significant amounts of money and should be regulated appropriately.

Registered organisations will need to disclose remuneration paid to their top five officers in the head office and any branches. Officers will be required to disclose their material personal interests to the committee of management.

Officers will not be able to make decisions on matters where they have a disclosed interest – addressing obscene situations like the two former Transport Workers’ Union heads who signed off on using members’ funds to buy themselves two luxury Ford F350 utes, at more than $150,000 each.

These same officials then saw fit to vote in a generous new redundancy policy, which led to a payout of nearly half a million dollars for one of the officials less than six months later.
• Remember we are talking about the membership money of hard working Australians. This Bill seeks to give those union members a fair deal.

• These measures, however, will have little impact if the penalties for wrongdoing are not high enough to act as a deterrent.

• The current penalties do not fit the gravity of the offences. For this reason the Bill introduces higher civil penalties and a range of criminal penalties for organisations and officials who are found by courts to have done the wrong thing.

• These penalties are consistent with those faced by companies and directors who break the law. There should be no difference between the penalties imposed when a company director misuses shareholders' funds and when a registered organisation official misuses members' money.

• Criminal penalties are being introduced for reckless or intentionally dishonest breaches of officers' duties. Broadly, these offences relate to officers and employees of registered organisations who fail to exercise their powers or discharge duties in good faith and for a proper purpose. They also apply where an officer uses his or her position – or information obtained while an officer – to improperly gain advantage for themselves or someone else.

• Criminal sanctions will also apply where an officer does not comply with the commission’s new investigation powers. These sanctions align with the penalties that apply to non-compliance with an ASIC investigation and will ensure that officers of registered organisations take their obligations seriously.

Some registered organisations have expressed concern that the new penalties will discourage people from taking on official responsibilities. If that is the case, it is a sad reflection on those organisations but, quite frankly, I do not believe it.

It is very simple: no wrongdoing, no penalty. The only people who have anything to fear are those who do the wrong thing.

Those officers who operate within the law – and I believe this is the majority of officers – have nothing to fear. Rather, they should be comforted in knowing that unlawful behaviour will be dealt with, thus ensuring ongoing members' confidence in registered organisations as a whole.

The government acknowledges that registered organisations play an important role in the affairs of workplace relations in this nation and the broader economy.

Registered organisations are given special privileges under the Fair Work scheme. Additionally, just like charities and our cultural and sporting associations they are income tax exempt. With these privileges come countervailing responsibilities.

Every year, hundreds of thousands of Australian workers pay hard-earned wages as union dues; similarly, Australian businesses – both small and large – pay membership fees to employer organisations.

Workers and businesses invest a great deal of trust in the organisations that represent their interests. They are entitled to expect that these registered organisations operate to the highest standards. This Bill ensures that they will do so.

Conclusion

The government has an unambiguous mandate from the Australian people to ensure that registered organisations act in a transparent and accountable manner.

It is clear that the corrupt and illegal conduct of many union officials will continue unless there is immediate and effective parliamentary intervention, meaningful reform and strong leadership.
It is our hope that this new Parliament will understand the urgent need to act and honour the judgment of the Australian people. We have made it very clear that we stand for a clean, honest and strong union movement. Our commitment to reform is absolutely unwavering.

I call on all other Senators to support honest union members and honest union officials by supporting this Bill.

I commend this Bill to the Senate.

Debate adjourned.

Income Tax Rates Amendment (Working Holiday Maker Reform) Bill 2016
Treasury Laws Amendment (Working Holiday Maker Reform) Bill 2016
Superannuation (Departing Australia Superannuation Payments Tax) Amendment Bill 2016
Passenger Movement Charge Amendment Bill 2016

First Reading

Bills received from the House of Representatives.

Senator FIERRAVANTI-WELLS (New South Wales—Minister for International Development and the Pacific) (17:12): I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator FIERRAVANTI-WELLS (New South Wales—Minister for International Development and the Pacific) (17:13): I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

INCOME TAX RATES AMENDMENT (WORKING HOLIDAY MAKER REFORM) BILL 2016

This Bill is the first of four Bills to implement the Government's package to implement the Government's working holiday maker reform package.

This Government has been committed to getting the policy right on working holiday makers. The Government has been working hard to ensure Australia remains an attractive and safe destination for working holiday makers – a critical source of labour for the agricultural, tourism and hospitality sectors.

But at the same time, we have been intent on instituting reform that continue to allow us to arrest the debt and deficit left to us by our predecessors. Policy initiatives of this Government must be paid for, and this package is no exception.

The working holiday maker reform package will ensure working holiday makers pay their fair share of tax, establish an employer register and a compliance regime to address concerns about exploitation of working holiday makers.

The package shall also make changes to increase Australia's attractiveness as a destination for working holiday makers by reducing visa fees, providing new visa flexibility initiatives and providing additional funding for tourism.
Despite these significant and positive changes, the Turnbull Government's strict budgeting rules have applied to ensure the budget impact of these changes is fully offset. This can only be achieved if the package is passed in its entirety — we must be able to pay for the changes we want to make.

The 2015-16 Budget announced a measure to treat working holiday makers as non-residents for tax purposes and tax them at 32.5 per cent from their first dollar of income.

This measure was introduced in response to the previous government's changes to the tax-free threshold that meant working holiday makers who were residents for tax purposes and earning below the $18,200 tax-free threshold were effectively having not just a working holiday but a tax holiday as well.

Despite continuing to take advantage of Australian services and infrastructure, the obligation to pay Australian income tax was removed for many working holiday makers visiting Australia.

Concerns were raised about the impact of the Budget measure, particularly on our global competitiveness as a backpacker destination.

The Government listened to stakeholders and reviewed the broad range of issues affecting the supply and taxation of working holiday makers as part of ensuring the policy achieves its objectives.

The Government subsequently developed the working holiday reform package now before Parliament.

Our package acknowledges the importance of ensuring the integrity of the tax base in relation to what is an important area of growth in the economy, but also that this is done in an appropriate way that addresses the concerns of stakeholders that have arisen.

The Government understands that working holiday makers are an important source of labour in Australia for sectors that rely on seasonal employment.

After many years of strong growth, since 2012 the number of working holiday makers coming to Australia has been falling. There are many reasons for this decline, including the state of economy in their home country, exchange rates, competition from other jurisdictions, and airfares.

The Turnbull Government's package of reforms to working holiday maker arrangements not only ensures working holiday makers pay a fair amount of tax on their earnings but also increases Australia’s attractiveness as a destination for backpackers.

This Bill will set the tax rate to apply to working holiday makers at 19 per cent from their first dollar of income up to $37,000, rather than the 32.5 per cent that applies to the majority of backpackers under non-resident tax rates and that would apply under the announced 2015-16 Budget measure. Ordinary marginal tax rates apply for income above $37,000. The new tax rate will apply from 1 January 2017.

Taxing working holiday makers at 19 per cent tax from the first dollar of income up to $37,000 is internationally competitive – Australia will still be a destination with one of the highest expected after-tax incomes for working holiday makers.

Even after taking cost of living differences into account, this change will mean that after-tax incomes for working holiday makers in Australia are comparable or better than New Zealand, Canada and the UK.

This Bill gives both working holiday makers and employers certainty about the tax arrangements that will apply, as well as protecting the integrity of Australia's revenue base.

The working holiday maker reform package makes other changes to lower the cost of coming to Australia for working holiday makers. A separate Bill will reduce the application charge for (subclass 417 and 462) working holiday maker visas by $50 to $390.

Tourism Australia will also promote Australia to potential working holiday makers through a $10 million global youth targeted advertising campaign.
We are also making other changes to working holiday maker visas to boost the supply of working holiday makers and make it more attractive to visit Australia.

Separately, we are extending the age of eligibility for working holiday makers from 30 to 35, increasing the pool of potential working holiday makers.

We are also introducing more flexible arrangements to benefit working holiday makers and industry, allowing an employer with premises in different regions to employ a working holiday maker for up to 12 months, with the working holiday maker working up to 6 months in each region.

The Government is aware of concerns about exploitation of working holiday makers. A separate Bill establishes a compliance regime to help address these concerns. In particular, we will be requiring all employers of 417 and 462 visa holders to register with the Australian Taxation Office.

Registration will entitle employers to withhold at the new working holiday maker tax rate of 19 per cent, from the first dollar of income up to $37,000, rather than 32.5 per cent.

Employers who are not registered will be required to withhold tax at 32.5 per cent from the first dollar of income. Working holiday makers whose employers withhold at 32.5 per cent will have access to the 19 per cent rate on lodgement of their tax return.

The registration process will be simple and will provide valuable data on the employment of working holiday makers. The register will be made public, making it easy to check the registration status of a potential employer. In addition, the Australian Taxation Office will prepare an annual report on working holiday maker employment.

The Government is also committing an additional $10 million to support the compliance operations of the Fair Work Ombudsman and the Australian Taxation Office to ensure employers are doing the right things by working holiday makers when they are working in Australia.

These measures are being presented as a package, as they work together to address the issues that have been raised with us. Together these measures will cost some $350 million to implement.

To ensure this package washes its face, two additional Bills outline what we will be doing to pay for these changes. The first provides for a one-off modest increase to the passenger movement charge of $5 to $60 from 1 July 2017. The second increases to 95 per cent the rate of tax on superannuation payments to working holiday makers after they leave Australia. This new rate will apply from 1 July 2017.

Ensuring the Budget is not worse off relies on passage of the full legislative package.

With this package the Government has achieved a better policy outcome for Australians and Australian businesses. We have done this however, while still adhering to the strictest principles of Budget management.

Full details of the working holiday maker reform package are contained in the explanatory memorandum.

TREASURY LAWS AMENDMENT (WORKING HOLIDAY MAKER REFORM) BILL 2016

The Treasury Laws Amendment (Working Holiday Maker Reform) Bill 2016 forms part of a package of Bills to implement the Government's working holiday maker reform package.

The Government is aware of concerns about exploitation of working holiday makers. To help address these concerns, this Bill establishes a compliance regime to ensure employers are doing the right thing by working holiday makers while they are here.

The Bill will also provide valuable data to the Government for the first time on the number of employers and distribution of working holiday maker labour. This will assist in reducing abuse of working holiday maker labour, assisting in compliance and enforcement activities, and helping the Government make policy decisions relevant to working holiday makers.
We will be requiring all employers of 417 and 462 visa holders to register with the Australian Taxation Office. This will entitle employers to withhold at the new working holiday maker tax rate of 19 per cent, from the first dollar of income up to $37,000, rather than 32.5 per cent. This creates an incentive for employers to register to attract working holiday makers.

Employers who are not registered will be required to withhold tax at the 32.5 per cent rate from the first dollar of income and may be subject to Australian Taxation Office penalties. Working holiday makers whose employers withhold at 32.5 per cent will have access to the 19 per cent rate on lodgement of their tax return.

The registration process will be simple, with employers agreeing to a few conditions by phone, email or online, and will provide valuable data on the employment of working holiday makers.

The register will be made public, with a list of registered employers published on the ABN Lookup, making it easy for working holiday makers and others to check the registration status of a potential employer.

The Australian Taxation Office could apply a range of penalties to employers for breaches of the tax laws, including failing to register.

The Government is also committing an additional $10 million to support the compliance operations of the Fair Work Ombudsman and the Australian Taxation Office to ensure employers are doing the right things by working holiday makers when they are working in Australia.

This Bill will reduce the application charge for subclass 417 and 462 working holiday maker visas by $50 from $440 to $390 from 1 July 2017. Reducing this charge by $50 will return the real cost of the charge to about the level it was in 2013-14.

Together with lowering the tax rate applying to working holiday makers, these changes will lower the cost of coming to Australia for working holiday makers and leave them with more money in their pockets to spend while here.

Full details of the working holiday maker reform package are contained in the explanatory memorandum.

SUPERANNUATION (DEPARTING AUSTRALIA SUPERANNUATION PAYMENTS TAX) AMENDMENT BILL 2016

The Superannuation (Departing Australia Superannuation Payments Tax) Amendment Bill 2016 forms part of a package of Bills to implement the Government's working holiday maker reform package.

This Bill amends the Superannuation (Departing Australia Superannuation Payments Tax) Act 2007 to increase to 95 per cent the rate of tax on superannuation payments to working holiday makers after they leave Australia.

Working holiday makers can access the balance of their superannuation after they leave Australia and their visa expires or is cancelled. These funds which are accessed after the working holiday maker has left Australia are typically spent offshore.

The payment of this superannuation balance is known as the Departing Australia Superannuation Payment.

The new rate of tax introduced by this Bill will apply from 1 July 2017. It is estimated to raise $105 million over the forward estimates.

This Bill, together with the Bill that increases the passenger movement charge by $5, will fully offset the Government's working holiday maker reform package and ensure the Budget is no worse off.

The reform package will lower the rate of tax that applies to income earned by working holiday makers, which means they will have more money to spend during their holiday in Australia.
Full details of the measure are contained in the explanatory memorandum.

**PASSENGER MOVEMENT CHARGE AMENDMENT BILL 2016**

The Passenger Movement Charge Amendment Bill 2016 forms part of a package of Bills to implement the Government’s working holiday maker reform package.

This package is aimed at ensuring Australia remains an attractive destination for working holiday makers – an important source of labour for industries that rely on seasonal labour such as agriculture, hospitality and tourism.

This Bill amends the *Passenger Movement Charge Act 1978* to increase the rate of the passenger movement charge from $55 to $60 from 1 July 2017.

This is the first time the passenger movement charges have been increased since 2012. The $5 increase is broadly in line with the increase in the consumer price index between 2012 and 2017.

In the intervening period, the Government has already acted to lower the cost for travellers and to improve their visitor experience.

We have invested significantly in improving the performance of our airports and the passenger experience through our airports.

We have also established the counter-terrorism units which form an important part of our border security, all funded out of the Budget.

We have also acted on recommendations of the Financial System Inquiry regarding credit and debit card surcharges. As a result of these changes, travellers in Australia are no longer subject to excessive surcharging, whether booking into a hotel, booking a flight or tickets to a show.

The Government is committed to budget repair. This increase to the passenger movement charge, combined with increasing the tax on working holiday makers’ superannuation payments when they leave Australia is estimated to raise $365 million, fully offsetting the working holiday maker reforms and ensuring the Budget is no worse off.

Full details of the working holiday maker reform package are contained in the explanatory memorandum.

**The PRESIDENT:** In accordance with standing order 115(3), further consideration of these bills is now adjourned to 9 November 2016.

**VET Student Loans Bill 2016**

**VET Student Loans (Consequential Amendments and Transitional Provisions) Bill 2016**

**VET Student Loans (Charges) Bill 2016**

**First Reading**

Bills received from the House of Representatives.

**Senator FIERRAVANTI-WELLS** (New South Wales—Minister for International Development and the Pacific) (17:14): I move:

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

Question agreed to.

Bills read a first time.

**Second Reading**

**Senator FIERRAVANTI-WELLS** (New South Wales—Minister for International Development and the Pacific) (17:14): I move:
That these bills be now read a second time.

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

Leave granted.

_The speeches read as follows—_

**VET STUDENT LOANS BILL 2016**

**Introduction**

Vocational education and training plays a critical role in ensuring Australia has the skilled workforce it needs to drive innovation and economic growth.

Last year, around 4.5 million people participated in the Australian vocational education and training system.

Australia’s economic prosperity depends upon the quality of our graduates, the outcomes of the training they receive and whether they are skilled in the way employers need them to be skilled.

That is why supporting high quality vocational education and training is central to the Turnbull Government’s economic growth and jobs plan.

Around 45 per cent of the financial assistance the Commonwealth invested in vocational education and training in 2015, supported income contingent loans for students undertaking diplomas and above qualifications, through the VET FEE-HELP scheme.

The Government supports income contingent loans – without them, thousands of students who could not afford to pay up-front fees to do a tertiary qualification, would miss out.

And Australian businesses and the Australian economy would also miss out on the skills that those graduates would bring.

But it is also true that there are many students who are being enrolled in courses and taking out VET FEE-HELP loans that deliver no benefit, either to them, or to the economy.

**Labor’s record**

The disastrous VET-FEE HELP scheme will go down in history as one of the great policy failures of the Rudd-Gillard years.

Labor introduced VET FEE-HELP, and opened up the scheme in 2012 in a way that allowed unscrupulous providers and brokers in to take advantage of vulnerable students, to rip off taxpayers, and to tarnish the reputation of Australia’s high quality training providers and VET system.

Under Labor’s scheme, students were signed up for thousands of dollars in loans, for courses they didn’t need or could never complete, or which had no link to employer or skills needs in the economy.

VET FEE-HELP has come with immense human cost - particularly to those Indigenous Australians in remote communities, older Australians in retirement villages, and Australians with disability, who are amongst the many vulnerable people who have been targeted by unscrupulous providers or brokers who have been roting the VET-FEE HELP system.

VET FEE-HELP has tarnished the reputations of high quality vocational education and training providers.

And VET FEE-HELP has come at an enormous cost to the Budget.

As a result of Labor’s scheme, between 2009 and 2015:

- The numbers of students accessing VET FEE-HELP jumped by 5000 per cent, from 5,262 to 272,000.
- Average course costs more than tripled, from around $4,000 to $14,000.
The value of loans landing as debts to students, and as Commonwealth borrowings, blew out from $26 million to $2.9 billion.

Reforms to date
As the scale of Labor’s failings in VET FEE-HELP became apparent, the Coalition Government has taken strong action.
In 2015, the Government banned inducements being offered to students to enrol in courses for which they needed a loan, and tightened recruitment and marketing practices to make it clear to students what they were signing up for.
On 1 January of this year, we brought in a student entry requirement for access to loans to ensure prospective students are academically suited for their higher level vocational training; required loans to be levied along with the students’ progression in the course rather than in one hit up front; and instituted civil penalties for providers that breached requirements.
We increased protections for students under the age of 18, and introduced a two day gap to separate a student’s enrolment decision from their application for a loan.
And we introduced a loan freeze to stop escalating growth while we undertook consultation to design a new student loan arrangement that had students and their training and employment outcomes at its centre.
All of those actions have made an impact.
It is expected that the value of loans in 2016 will be several hundreds of millions of dollars less than the equivalent in 2015.
However, it’s clear that to truly fix the VET-FEE HELP scheme we first need to axe it, and build a new program that supports high quality training, for genuine students, aligned with workplace needs.
The VET Student Loans Bill 2016, along with the two supporting bills in the package – the VET Student Loans (Consequential Amendments and Transitional Provisions) Bill 2016 and the VET Student Loans (Charges) Bill 2016 – delivers a new program to give students interested in a high level VET qualification, the best opportunity to access the training they need to improve their employment outcomes.
The VET Student Loans Bill 2016
Higher bar to entry
The introduction of VET Student Loans from 1 January 2017 gives us a chance to reset expectations, for students, providers, employers and taxpayers.
Unscrupulous behaviour will not be tolerated.
Providers will need to meet tougher entry criteria to become, and to remain, an approved course provider.
These include being a ‘fit and proper person’, and having to satisfy provider suitability requirements around stronger governance, industry engagement, and quality training, which will be specified in the Rules.
The Bill enables the Government to charge an application fee to providers.
Tougher compliance measures
Approved providers will be subjected to much tougher compliance measures and ongoing reporting requirements.
The Bill triggers all the powers under the Regulatory Powers (Standard Provisions) Act 2014, including monitoring and investigation powers, and enforcement provisions such as civil penalties, infringement notices, enforceable undertakings and injunctions.
Importantly, the Bill will also provide a new power to immediately suspend a provider in urgent circumstances.

The Bill also expands the monitoring provisions by applying them to all of the Bill and not just the civil penalty provisions (as is the current position).

Civil penalties will apply to more contraventions and the amounts of the penalties will, in many instances, increase to be more commensurate with the nature of the contravention.

The Bill imposes personal liability on executive officers of providers in relation to contravention of civil penalty provisions or the commission of any offences.

The Bill also introduces new measures to allow the Commonwealth to cap an individual provider's loan amounts or restrict a provider's scope of delivery to control non-genuine growth in enrolments or unreasonable fee increases.

Banning brokers and limiting third parties providing training

Providers will be banned from using brokers or marketing agents to interact or engage with students in relation to VET Student Loans.

Enrolment processes and student engagement relating to VET Student Loans should be the sole responsibility of approved providers that have met the higher benchmark.

The Bill introduces new limitations on the use of third party training providers.

Approved providers may only subcontract training to other approved VET Student Loan providers or higher education providers registered by the Tertiary Education Quality and Standards Agency.

Individual subcontractors engaged to provide specialist expertise for part of a course will be allowed on a case by case basis.

This will help redress issues that have occurred with the VET FEE HELP scheme where some approved providers have been delivering minimal or no training themselves, but rather selling access to the scheme to those that were not approved.

Course eligibility

The new VET Student Loans program will limit courses eligible for a loan.

The focus will be on courses that have a high national priority, align with industry needs, contribute to addressing skills shortages and lead to employment outcomes.

The Minister will have the power to approve a course list by legislative instrument (the courses and loan caps determination).

The list of 347 courses proposed to be eligible for a VET Student Loan from 1 January 2017 is currently open for consultation.

The determination will give the Minister the power to change the list, and ensure it remains flexible to meet changing workplace skills needs.

Loan caps

The Bill provides the power for the Minister to set loan caps, to help protect students from rapidly rising course costs, and set a ceiling on the maximum loan amount the Government is willing to loan to a student for a specific course.

Three maximum loan caps are proposed for the start of the program: at $5000, $10,000 and $15,000 per course.

These levels are derived from actual VET FEE-HELP tuition fee data and the NSW Smart and Skilled program.

The Bill provides for the caps to be indexed annually in line with the Government's other student loan programs.
Importantly, the Government has recognised that there are some courses which cost more to deliver than the proposed caps, such as aviation.

The Bill will therefore enable the Minister to amend the caps to provide exemptions where needed. The Government has made clear this will be the exception rather than the rule.

_Students – engagement_

From 1 July 2017, a student engagement and progression requirement for continued access to the loan will apply.

Students will be required to progressively log in to confirm their continued engagement in the course. The detail of the student engagement measures will be set out in the Rules.

_Ensuring students get what they pay for_

Greater protections will be provided for students by shifting the ability to access a loan away from the provider to the student.

Student loans will be approved by the Commonwealth but only if the student is eligible and it is for a course that is an approved course.

Flexibility is given to the Commonwealth as to when loan payments may be made, enabling payments to providers to be spread across the duration of a course, and paid in arrears.

The Bill provides the Commonwealth with the discretion not to pay a loan where it is satisfied a student is non-genuine or where it suspects the approved provider is not complying with the conditions on its approval or the provisions in the Bill.

The Bill also expands the circumstances in which debts can be remitted and explicitly prevents providers from pursuing outstanding debts from students where their loans have been cancelled.

In circumstances such as unacceptable conduct by a provider, or if the provider's non-compliance has adversely affected the student, or if it is shown that the student is not eligible or not genuine, the Secretary has the discretion to re-credit the student's FEE-HELP balance without the student having to apply.

In all cases where a debt is re-credited, the provider will be required to pay this amount to the Commonwealth.

The Bill will retain the provisions to allow the sharing of information with other Commonwealth agencies, such as the Australian Competition and Consumer Commission (ACCC) and national and state based regulators, to ensure action taken in relation to VET Student Loans is considered for breaches of other regulatory arrangements.

Tuition assurance arrangements will be strengthened and will continue to be a requirement for approval as a provider.

The Bill provides greater protection to students in the event of a provider ceasing to provide a course, by imposing obligations on the body that has agreed to provide the tuition assurance.

To further strengthen student protections, the Government intends to establish a VET Student Loans Ombudsman, and will provide further information on this in due course.

_Repaying loans_

Ensuring cohesion between the shared elements of the Higher Education Loan Program or HELP is critical as students move between the higher education and VET sectors throughout their education experience.

That is why the Bill retains the repayment measures in the _Higher Education Support Act 2003_ to maintain repayment consistency with the rest of the Commonwealth's Higher Education Loan Programs.
The current student's lifetime loan limit, repayment thresholds and rates, and the loan fee will continue to apply to VET student loans and will be considered in the totality of HELP reform.

Any future changes to either of these arrangements are expected to be applied consistently to both FEE-HELP and the new loan program.

**VET Student Loans (Consequential Amendments and Transitional Provisions) Bill 2016**

The package of VET Student Loans legislation also includes the VET Student Loans (Consequential Amendments and Transitional Provisions) Bill 2016.

This Bill effectively closes off the VET FEE-HELP loan scheme for new student loans from 1 January 2017, and new VET FEE-HELP provider approvals after 4 October 2016.

It also establishes transitional arrangements for existing VET FEE-HELP students, and currently approved VET FEE-HELP providers.

**Arrangements for existing students**

Genuine students with existing VET FEE-HELP loans for courses they have yet to complete will be given the opportunity to continue their studies with existing providers under their existing VET FEE-HELP arrangements until the end of 2017.

These students will need to confirm they are active in their courses and wish to continue during 2017 with access to VET FEE-HELP.

Over the coming months the department will be contacting all existing students to advise them of the required arrangements by which they can opt-in to be 'grandfathered'.

The student must have been enrolled in the VET course of study and accessed VET FEE-HELP for a unit of that course before 1 January 2017, and the Secretary of the Department of Education and Training must be satisfied that the student is a genuine student.

The Bill sets out that a student is not entitled to VET FEE-HELP assistance on or after 1 January 2018 and it is expected that after this time, students who have yet to complete their course will need to transfer to the new VET Student Loan scheme to complete it, or to another provider if their current provider is not approved to offer VET Student Loans.

Following the Government's changes to VET FEE-HELP to limit debts being levied in line with student progression, students should be paying using a VET FEE-HELP loan only for units which have a census date by the end of 2017. No VET FEE-HELP liabilities will be incurred by students after 2017.

**Arrangements for providers**

The Consequential and Transitional Bill sets out that the Minister (or delegate) is precluded from approving any new VET FEE-HELP providers after 4 October 2016.

The Commonwealth will cease the assessment of current applications for VET FEE-HELP provider approvals.

The Bill also provides that universities (Table A providers and Table B providers under the HESA), as well as TAFEs and other publicly-owned registered training organisations (RTOs), that are currently approved as VET FEE-HELP providers, will be automatically approved for the purposes of the VET student loans program from 1 January 2017, enabling students enrolled in approved courses at those providers to access VET student loans from the start of next year.

Other RTOs that are currently approved as VET FEE-HELP providers can be approved for the purposes of the VET Student Loans program for the provisional period from 1 January to 30 June 2017, if the Secretary is satisfied that they meet transitional suitability requirements.

Current VET providers that do not meet these criteria will not be approved for the purposes of the VET student loans program from 1 January 2017, and will have to seek approval under the *VET Student Loans Act 2016* as normal – with any such approval not commencing before 1 July 2017.
This will ensure that provisional approval is provided only to suitable providers during the transition period.

Current approved VET FEE-HELP providers may continue to deliver training with access to VET FEE-HELP for existing students until 31 December 2017. This applies regardless of whether they are entering the new program, and is in place to ensure continuity and minimal disruption to existing students at those providers.

Other consequential amendments

The Bill also makes consequential amendments to the Higher Education Support Act 2003, the National Vocational Education and Training Regulator Act 2011 or the NVETR Act and the Student Identifiers Act 2014 to assist in the administration and enforcement of the VET Student Loans program.

Amendments to HESA are required to provide for loan debt calculation and repayments arising from the granting of VET student loans under the VET Student Loans Act.

The NVETR Act is amended to make it clear that it is a condition of a provider's registration under that Act that it comply with the HESA and the VET Student Loans Act.

This will clarify the capacity of the National Vocational Education and Training Regulator (the Australian Skills Quality Authority) to take action under the NVETR Act for breaches of the HESA and the VET Student Loans Act.

The Student Identifiers Act is amended to make it clear that student identifiers can be collected, used and disclosed for the purposes of the VET Student Loans Act.

VET Student Loans (Charges) Bill 2016

The package of VET Student Loans legislation also includes the VET Student Loans (Charges) Bill 2016.

The Bill establishes an annual charge on providers as a tax, to help recover some of the costs associated with administering the new VET Student Loans program.

Conclusion

The waste, rorting and damage to vocational education simply cannot continue.

The Government calls on its Parliamentary colleagues to work with us to help ensure the new VET Student Loans program is legislated as quickly as possible to enable it to start as intended on 1 January 2017.

In getting us to this point I want to thank the Member for Cowper and Senator Scott Ryan, both of whom worked tirelessly in their former roles as ministers for vocational education and skills.

I commend this Bill.
Debate adjourned.

**Broadcasting Legislation Amendment (Television and Radio Licence Fees) Bill 2016**

**First Reading**

Bill received from the House of Representatives.

**Senator FIERRAVANTI-WELLS** (New South Wales—Minister for International Development and the Pacific) (17:15): I 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 FIERRAVANTI-WELLS** (New South Wales—Minister for International Development and the Pacific) (17:15): I move:

That this bill be now read a second time.

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

Leave granted.

*The speech read as follows—*

**BROADCASTING LEGISLATION AMENDMENT (TELEVISION AND RADIO LICENCE FEES) BILL 2016**

The Broadcasting Legislation Amendment (Television and Radio Licence Fees) Bill 2016 will implement a 25 per cent reduction in the licence fees payable by the commercial television and radio broadcasters by amending the *Television Licence Fees Act 1964* and the *Radio Licence Fees Act 1964*.

Commercial television broadcasters are the largest funders of Australian content and remain a key source of news for Australians. The reduction in broadcasting licence fees contained in this Bill will allow commercial broadcasters to effectively meet the challenges of an increasingly competitive global environment and continue to invest in high quality content.

The Government's decision to reduce the fees recognises that the Australian media market has changed significantly since broadcasting licence fees were first introduced. In the current media environment, the move to online and on-demand content is fragmenting the market for media services and increasing competition for audiences and advertising dollars. In turn, this is placing increasing financial pressure on Australia's commercial broadcasters whose main competitors, including online operators such as Netflix and Apple, pay no licence fees.

Commercial television and radio broadcasters are required to pay broadcasting licence fees, which are levied as a sliding percentage of their gross earnings. The formulas for calculating the relevant percentages are set out in the *Television Licence Fees Act 1964* and the *Radio Licence Fees Act 1964*.

In relation to television, the maximum rate of licence fees payable is 4.5 per cent of gross earnings applicable to licensees with earnings in excess of $100 million. The current rate of television licence fees was set following an amendment to the *Television Licence Fees Act 1964* in 2013, which provided a permanent 50 per cent reduction in commercial television licence fees.

In relation to radio, the maximum rate of licence fees payable is 3.25 per cent of gross earnings applicable to licensees with earnings in excess of $11.5 million. There have been no changes to the rate of radio licence fees since 1991.
The 2016-17 Budget included a measure to permanently reduce the rate of broadcasting licence fees by 25 per cent per annum, effective from the licence fees payable for the 2015-16 financial year. The Bill will give effect to this Budget measure by amending section 6 of the *Television Licence Fees Act 1964* and section 6 of the *Radio Licence Fees Act 1964*. These amendments will provide that commercial television and radio broadcasting licensees must pay a fee that is 75 per cent of the amount otherwise due to be paid for a given year.

The Bill will also introduce a measure to address an anomaly between the two licence fee Acts relating to the making of regulations. Subsection 5(2) of the *Television Licence Fees Act 1964* specifies that regulation made by the Governor-General under section 8 of that Act may make provision for the rebate of licence fees. This rebate provision was introduced in 1987 to allow the Government to offer a rebate on television licence fees as a financial incentive for television licensees to meet the Government's desired policy outcome of television market aggregation.

However, the *Radio Licence Fees Act 1964* does not permit regulations made under that Act to make provisions for rebates. The Bill will amend the *Radio Licence Fees Act 1964* to address this inconsistency, and provide flexibility in the future administration of the licence fee regime as it applies to commercial radio broadcasters.

The measures contained in this Bill will build on the Government's media reforms contained in the *Broadcasting Legislation Amendment (Media Reform) Bill 2016*, which will repeal redundant media control rules and enhance local content obligations on regional commercial television broadcasters.

The Australian public is best served by a strong and vibrant free-to-air commercial broadcasting sector. These reforms provide tax relief to assist Australian broadcasters so they can be better positioned to invest in Australian content and local jobs.

Debate adjourned.

**COMMITTEES**

**Membership**

A message from the House of Representatives was reported informing the Senate of changes in the membership of joint committees, as follows:

Message no. 38, dated 17 October 2016—

Joint Standing Committee on Foreign Affairs, Defence and Trade, Ms MMH King in place of Mr Danby

Joint Standing Committee on the Parliamentary Library, Ms Stanley and Mr Byrne, appointed

Joint Committee of Public Accounts and Audit, Ms MMH King, appointed

Joint Standing Committee on Treaties, Mr Danby in place of Ms MMH King.
BILLS

Industry Research and Development Amendment (Innovation and Science Australia) Bill 2016
International Tax Agreements Amendment Bill 2016
National Cancer Screening Register Bill 2016
National Cancer Screening Register (Consequential and Transitional Provisions) Bill 2016
Statute Law Revision (Spring 2016) Bill 2016
Treasury Laws Amendment (Income Tax Relief) Bill 2016

Assent

Message from the Governor-General reported informing the Senate of assent to the bills.

COMMITTEES

Reports

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (17:16):
Pursuant to order and at the request of the chairs of the respective committees, I present reports on legislation, as listed at item 21 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.

PARLIAMENTARY REPRESENTATION

Qualifications of Senators

Consideration resumed of the motion:

That, pursuant to section 376 of the Commonwealth Electoral Act 1918, the Senate refers to the Court of Disputed Returns the following questions—

(a) whether, by reason of s 44(ii) of the Constitution, or for any other reason, there is a vacancy in the representation of Western Australia in the Senate for the place for which Senator Rodney Norman Culleton was returned;

(b) if the answer to Question (a) is "yes", by what means and in what manner that vacancy should be filled;

(c) what directions and other orders, if any, should the Court make in order to hear and finally dispose of this reference; and

(d) what, if any, orders should be made as to the costs of these proceedings.

Senator XENOPHON (South Australia) (17:16): This is a very important matter. I did have the benefit, as all senators now have, of seeing and reading the opinion of the former Solicitor-General, Justin Gleeson SC, who gave advice in relation to this matter. I think it is worth reflecting on aspects of that opinion now that it has been tabled. This matter relates to a conviction of larceny pursuant to section 117 of the New South Wales Crimes Act on 2 March 2016. On 10 June 2016, Senator Culleton nominated as a Senate candidate for the Commonwealth Parliament for the state of West Australia. The polling date for the election was 2 July 2016. On 2 August 2016 the poll was declared. On 8 August 2016, Senator Culleton's conviction for larceny was annulled under the New South Wales Crimes (Appeal
and Review) Act. On 30 August 2016, the 45th Parliament sat for the first time. The opinion of Mr Gleeson suggests that there are both difficulties for Senator Culleton and a defence, a way to resist the petition. There are specific mentions made of the petition itself which Mr Gleeson suggested were deeply flawed but if those remedies were cured—to use the words of Mr Gleeson—then there were arguments in respect of Senator Culleton's ability to be a senator.

But I want to reflect on this—and this is a matter that ultimately needs to go to the High Court. I have great sympathy for Senator Culleton and the dilemma he finds himself in. The issue here is whether Senator Culleton is incapable of being chosen or of sitting as a senator by virtue of section 44(ii) of the Constitution because he has 'been convicted and is under sentence, or subject to be sentenced, for any offence punishable under the law of the Commonwealth or of a state by imprisonment for one year or longer'. That is something that the founders of our Constitution, during the Constitutional Convention, put in the Constitution to ensure that people in the parliament are of good character and were not in prison or had not been sentenced for a serious offence. I do not think anyone could reasonably say that this is a serious offence, particularly in the context of it being annulled. Again, these are matters for the High Court.

My understanding is that Senator Culleton's argument will be that, because his conviction was annulled, it is of no effect and there are two interpretations. The first is about whether the annulment means that, in law, there never was a conviction—and that is supported by section 9(3) of the New South Wales Crimes (Appeal and Review) Act, which provides that, following an annulment, the relevant court is to deal with a matter afresh as if no conviction or sentence had been imposed. The second argument is that the conviction or sentence only ceases to have effect following the annulment—and that goes to section 10(1) of the New South Wales Crimes (Appeal and Review) Act—so the effect of the annulment is purely prospective.

I think Mr Gleeson never said a truer word than when he said at paragraph 25 of his opinion that there is no authority directly on the question. So this is a very important and interesting issue of constitutional law. There are arguments there about whether the court would promote certainty and speed in the ascertainment of the result of an election. These are factors that members of the High Court previously considered in their approach to section 44 of the Constitution. I imagine that there will be very much a contested argument here.

Senator Culleton clearly has great passion on a number of issues. He has great passion for the bush and for the plight of farmers in the way they have been treated by the banks and financial institutions. He is a man of great passion and a good heart. I hope he gets the appropriate advice from senior constitutional lawyers to contest this matter in the High Court and I wish him well in relation to that matter. Leaving aside the technical and legal aspects, there are some issues about essential fairness here. What has occurred here is a minor offence in the scheme of things, notwithstanding what the maximum penalty is. The fact is that this matter was annulled. By the time Senator Culleton took his seat in this place, the matter had already been disposed of. I would like to think these are matters that would be argued quite forcefully in the High Court of Australia sitting as the Court of Disputed Returns.

I wish him well. I believe that the Senate has no choice but for this matter to be referred. I would like to think that there will be many in the community who will have sympathy for his
predicament and will have sympathy for what he is going through, because as I said I believe he is a person with a good heart. I will continue to have policy differences with the party that he represents, but that does not mean that you cannot respect him and empathise with what he is going through. I, on behalf of my colleagues, will support this referral because we believe it is an appropriate thing to do. I wish him all the best. I hope that he is successful in his appeal in the Court of Disputed Returns because I, and I think many other Australians, think it is manifestly unfair in the circumstances for him to be disqualified from this place. Ultimately, that is a matter for the High Court of Australia, sitting as a Court of Disputed Returns, and that will be the ultimate arbiter of this important matter.

I just raise—and I may be out of order—that I spoke to Senator Culleton a few minutes ago and he indicated to me in very broad terms that he was looking at seeking leave to move an amendment. I wonder, out of fairness to him, if that is what he is intending to do, whether we ought to draw attention to the state of the chamber. I just do not want to be seen as being unfair to Senator Culleton. I want to be fair to the man.

The PRESIDENT: Thank you, Senator Xenophon. You have drawn to my attention that the chamber may not be quorate, so we shall bring the bells. (Quorum formed) Senator Culleton, do you wish to speak to the motion before the chair?

Senator CULLETON (Western Australia) (17:26): Yes, I do.

The PRESIDENT: You have already spoken once before, so my understanding is that you may wish to move an amendment. You will need to seek leave of the chamber to do so.

Senator CULLETON: I seek leave to move an amendment to the motion.

The PRESIDENT: Senator Culleton, just to assist the chamber—there is some confusion; there has been no advance notice—would you like to briefly explain the nature of your amendment and I will ask about leave again?

Senator CULLETON: The amendment would be to move a motion to defer and adjourn the Senate until all evidence is tabled in front of the Senate, including the response from the High Court to my question to the Senate chamber, which Senator Brandis spoke to me about on Saturday, 29 October 2016, that further documents are tabled and, in a sense, to ask members of this chamber, in the interests of natural justice, that evidence of writs and affidavits are put before the Senate in order to go forward and refer it to the High Court.

The PRESIDENT: Thank you. To summarise that, Senator Culleton, in effect you want to adjourn the debate until such time as the documents you referred to are tabled. We have a copy of your amendment to the motion now. You are seeking to adjourn the Senate. That is the essence of the amendment.

Leave not granted.

The PRESIDENT: The question now is that the motion moved by Senator Brandis, to refer a matter to the Court of Disputed Returns, be agreed to.

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

**Senator Griff** (South Australia) (17:29): The Nick Xenophon Team will be opposing the Plebiscite (Same-Sex Marriage) Bill 2016. We are elected to this place to act in the best interest of our respective communities, and this bill does not do that. It is both a waste of taxpayer money and a mechanism that will provide intolerant people and organisations with a government-funded opportunity for hate speech. When the Prime Minister stood in the other place and said he would be spending $170 million of Australian taxpayer money on this plebiscite, I was incredibly dismayed—not just by the sheer amount of money the government was prepared to spend but the fact that they were willing to spend it at all when an alternative, far less costly and far less harmful option exists: a free vote in the form of a marriage equality bill.

Australians live in a representative democracy, and it is our job as parliamentarians to debate and deliberate legislation. We were elected to make decisions and not to outsource them. We did not need a plebiscite when Indigenous Australians were recognised as equal in the eyes of the law, or when we dismantled the White Australia policy, or when we advanced women's equality or even when we advanced disability equality. We certainly do not need it now. A quick look at the Australian plebiscite history shows that from the early 1900s there have only been three plebiscites held in Australia, the last of which was in 1977 on the choice of Australia's national anthem. It made me think, 'Surely we're not placing the question of equal rights on the same footing as the choice of Australia's national anthem?'

We have voted on legislation that begs moral questions in this place before. When John Howard amended the federal Marriage Act to explicitly state that marriage be between a man and a woman to the exclusion of all others he did not insist on a plebiscite; he took it to parliament. Our current Prime Minister could and should have put forward legislation, just like John Howard did in 2004, and allowed parliament to vote on the issue of marriage equality. This would have been the least expensive and least harmful way of ensuring all people, regardless of their sexual orientation, are equal under the law, but the reality is the Prime Minister does not want to alienate his far Right supporters.

Representative democracy exists because the model state is too complex to be run by a direct democracy. Important issues are not decided by a mass 'yes' or 'no' vote, because if they were we would spend all of our time voting on plebiscites and referendums. It is our job as community leaders to make decisions in line with community needs, aspirations and, indeed, expectations. It is completely unnecessary to go down the path that the Prime Minister has chosen, particularly when we know that two-thirds of Australians support legalising same-sex marriage.

The recent Irish marriage equality referendum is but one example of just how divisive and pointless a public vote can be. The end result was that a majority supported marriage equality in almost identical terms to opinion polls undertaken prior to the referendum. This further demonstrated that it was not at all necessary to waste taxpayer money and bring about the
severe distress and prejudice LGBTI people experienced throughout the campaign. It affected people in all aspects of their lives: in their workplaces, in their local communities, in their schools and in their churches. People were even afraid to travel on public transport or walk to their local shops. We should not be putting Australians through such a divisive, hurtful process. It will hurt individuals, parents and children—all who want to do no more than love those they cherish. No child deserves to see their parents' relationship devalued on the national stage. No child deserves to be told that their parents' love for one another is not recognised or that their family is second-class. No family member or friend should have to see their loved ones subjected to hate and discrimination.

I worry about the impact this plebiscite will have on our young people—teenagers who are struggling with their sexuality and making the decision as to whether to come out or not. We know that young LGBTI people experience twice as much abuse and violence than their heterosexual peers. We know that more than four in 10 young LGBTI Australians have thought about self-harm or suicide. Why would we want to subject our young to more hurtful, derogatory and discriminative discourse? I fear that this plebiscite and the millions of taxpayer dollars that would be put towards any campaign will divide our great nation and give a licence to hate speech. We should not give air to those who already have the lungs to yell the loudest. Let's have a civilised debate here in this chamber, as has been done on many thousands of equally important pieces of legislation since our parliament was formed.

People are people, and LGBTI people are no different; they are just like everybody else. They live and work in the same community as all of us; they contribute to our diverse society. They are not a danger to society, as some would suggest; they enrich our society and have done so since the beginning of time. There would not be a field or community where LGBTI people have not made a significant contribution, and this will be the case until the end of time. Their desire to commit to their partners, like I have to my wife Kristin, is no different. They are equally good fathers, mothers, brothers, sisters and friends. They do not deserve to be vilified; they do not deserve to be treated differently. It is not my role nor the role of any other person in this place to tell a person that their relationship does not warrant equality before the law. The government should be there for the people—all people, regardless of gender, race or sexuality—and allow a free vote for marriage equality. This is what the majority of Australians want, and it is incumbent on us to deliver this in this parliament. This bill needs to well and truly be relegated to the history books and replaced by a bill that allows a free vote.

Senator McALLISTER (New South Wales—Deputy Opposition Whip in the Senate) (17:36): I rise to speak on the Plebiscite (Same-Sex Marriage) Bill 2016. In some ways, we are in the most amazing position in Australia in relation to marriage equality. I have had some involvement in this issue over some years, and it comes as a real surprise to me—a pleasant surprise; a joyful surprise—that the majority of Australians are ready to take this next step. The majority of Australians are ready to recognise that marriage equality is about removing discrimination and affirming love—that love between two people of the same gender is of equal meaning and of equal value and is entitled to equal respect.

As many speakers before me today and at other times have said, people in same-sex relationships should not be made to feel like second-class citizens. Members of the LGBT community should not be made to feel that theirs is a second-class love. On this question the community have fought so hard. They have had the courage to present their voices and their
stories. They have endured the public judgement that comes with exposing your own personal relationships and families to scrutiny and the unkind comments of people who would oppose them for personal values and for political reasons, ignoring the deep personal hurt that is delivered when an individual's family and an individual's love are rejected and diminished.

The community have been amazing on this issue. They have fought so hard. It has been my pleasure and, I think, Labor's pleasure to be able to stand alongside and support that community over that long journey. I am proud of the role that we have played, while acknowledging that in fact this is something that is being delivered by a very big social movement right across our country. Labor have stood for marriage equality. It was a policy that we took to the election. We promised that we would introduce marriage equality within the first 100 days of the parliament if we were elected to government. Sadly, that was not to be. It built on a long history of advocacy, from decriminalising homosexuality through Labor state governments through to the attempts to introduce marriage equality when in government in the ACT.

On a smaller but I think symbolically important thing, for many years now in my home town of Sydney Labor have been honoured to be welcomed into the Mardi Gras parade. I am proud to have been part of that, proudly marching with my Labor comrades. It is a story that in my own small way I feel very honoured to have been allowed to contribute to. I was very pleased to see our leader, Mr Shorten, participate in the march earlier this year.

But this speech today in the parliament is not in fact the speech I would like to give about marriage equality. The speech I would like to give is the speech that we will give on the day that a bill for marriage equality is introduced into this parliament and when all members have a free vote on the question and the Liberal Party are allowed to vote with their conscience to deliver marriage equality as the majority of the parliament demands and as the community expects.

Sadly, that is not the speech for today because today we are presented with something very different—a proposition for a plebiscite. I want to be able to vote in favour of equality for those across the country in same-sex relationships. I do not want to vote for a plebiscite. The problem, of course, is that the Prime Minister wants a plebiscite because he fears the social conservatives in his party more than he wants change. This plebiscite was a ploy. It is recognised by everybody that this is so. It was dreamt up by the former—and perhaps future—Prime Minister, Mr Abbott, to delay marriage equality. It is a fig leaf. It is an attempt to look like you are doing something when in fact you are very deliberately doing nothing at all. If the Prime Minister wanted marriage equality, we could legislate for it tomorrow. Why has he changed his mind? He has changed his mind because a plebiscite was part of the price that he paid for the job.

The parliament has a responsibility to decide on issues. That is our system of government. That is why we are here. Labor take that responsibility very seriously. In 115 years of our democracy, 44 parliaments before us have declared war, negotiated peace, signed trade deals, opened our economy, floated our dollar and legislated several changes to the Marriage Act without recourse to a plebiscite. It is unnecessary. It is wasteful. It would be ineffective because it would be nonbinding. And it asks something of the gay and lesbian community that we do not ask of other citizens when we are considering issues relevant to them.
This is not a bill I can support. We stand on the cusp of a great opportunity for Australians to recognise the real love that exists between same-sex couples and the families they have built, including their parents, their children and their friends all around them. It is a very great shame that instead of acting on that today we are simply being asked to consider this unnecessary, wasteful plebiscite. I cannot support it.

**Senator LAMBIE** (Tasmania) (17:42): I rise to support the Plebiscite (Same-Sex Marriage) Bill 2016. I would have preferred if the question about gay marriage were put at the last election. The nation would have been saved a lot of time and money. However, I still believe that a national plebiscite is justified and needed in order to test the will or conscience of the Australian people on gay marriage. I also believe that this plebiscite will take away any doubt about how the Australian people feel towards gay marriage and will therefore lead to a quicker healing and acceptance of the outcome for those on the losing side of the debate. When it comes to gay marriage, even though I indicated before both previous elections that I am opposed to it for sacred religious reasons, I will vote according to the will of the Tasmanian people as indicated in any plebiscite of the Australian people.

I strongly oppose any discrimination against the LGBTI community. LGBTI Australians are very important and valued members of our community. My understanding is that in 2008 many pieces of legislation—nearly 80—were passed in federal parliament to stop any discrimination of people based on their sexuality. I support that legislation and would also support any strengthening of federal laws if gaps were found in anti-discrimination legislation.

However, when it comes to marriage, I consider it a sacred Christian tradition between a man and a woman, and as a Christian I would feel discriminated against if my sacred religious tradition were interfered with and changed by politicians. I understand that many people have strong views on this issue, and I may be on the losing side of the community debate; however, should a bill be placed before parliament on this matter without first testing the conscience of the Australian people with a plebiscite or a referendum, I would vote according to my conscience on this matter. I am sorry if my religious views have offended the LGBTI community but, just as non-Christian religious traditions are expected to be respected by all Australians, I would like my sacred Christian traditions respected as well.

Tasmanian Catholic Archbishop Doyle wrote a letter which is relevant to this important debate. It reads, in part:

However, in addition to ‘human rights’ there are also ‘human responsibilities’. We are all blessed by God with the gift of our sexuality. The design itself comes from the Creator of Life and we all have a responsibility to follow that design.

The Church firmly believes that marriage is founded on the wonderful fact of sexual difference and its potential for new life. Without this there would be no human beings and no future. Bringing new human life into the world is founded on the loving union of male and female. Children are best nurtured by a mother and father.

Opposing this legislation in no way implies that the Church accepts discrimination against the human rights of another. Nor does it mean the Church fails to understand the complex nature of human sexual identity and desire.
It implies no lack of respect for people who identify as 'gay' and 'lesbian'. Many in our community have friends or family members who are gay and lesbian, who are people we know and love, and are part of our family and friendship groups.

However my concern is for the future of our whole society and I ask you to reflect seriously and to pray about the ramifications for current and future generations, of legislation which completely redefines marriage.

A grave mistake will be made if such legislation is enacted in Tasmania. The state government, and indeed even the federal government, cannot redefine the natural institution of marriage, a union between a man and a woman. The government can regulate marriage, but this natural institution existed long before there were any governments and cannot be changed at will.

I acknowledge the points made from different senators regarding the cost to the taxpayer of this non-binding vote. I am also concerned about obtaining best value for taxpayers' money when organising and funding this important national vote.

However, there are two other time-sensitive issues which are equally important social issues to gay marriage and have been put in the too-hard basket for too long. They have been put on the backburner. The will and conscience of the Australian people should also be tested on these, firstly, the issue of Indigenous recognition and, secondly, euthanasia of terminally Australians. For the critics who may say that I am muddying the waters on gay marriage I would say, 'Don't treat the Australian people like bloody fools,' because they are clearly not. Most people have either already made up their minds on these three social issues, and want a vote as soon as possible or can manage a public debate on multiple matters of great public importance. In other words, Australians can walk and chew gum at the same time.

There may be some who think that euthanasia for the terminally ill is a new issue. To those people I would simply ask: when was the last time you spent time with a terminally ill person, the relative of a terminally ill person or thought about whether terminally ill Australians should have the right to a merciful death?

Today we have an opportunity to once and for all put into place a quick chain of events which will finally answer, in the next few months, the question about gay marriage in Australia. I urge all members to take advantage of this important opportunity. If we do not take this opportunity now then this issue will not be resolved for years. That situation may politically benefit some in this chamber. To those who oppose a quick national vote on gay marriage, which would be enabled by this plebiscite, I ask: are you really doing it for the benefit of gay people or are you using the pretext of care for gay people's health and mental wellbeing to ensure that you lock in what you think will be a political advantage at the next election?

It is my strong view that an unnecessary wait will do more harm to the gay people than a short public debate over the next few months, followed by a national vote and subsequent legislation which reflects the will of the majority of Australians. An unnecessary wait on the issue of gay marriage will also prolong public debate and distract attention from other important life-and-death social issues—for example, involuntary treatment of drug addicted children, serious lack of jobs, out-of-control living costs, cuts to aged care and an overstretched public health system. The list is large and it goes on and on.

I have made this point before in this place; however, it is worth making it again: many elected representatives have argued against this plebiscite by essentially saying that the debate
would cause young gay people to take their own lives and open the floodgates of hate. I am forced to remind those people of a famous quote by Pericles of Athens, which was made about 400 years before Christ was born. That quote is written on a wall not far from this chamber, and it says:

We Athenians make decisions for ourselves, or at least participate in the full discussion of them: for we do not regard debate as a barrier to effective action, but a necessary condition for acting wisely.

My advice to those politicians who are trying to blackmail the Australian public, in a very juvenile and dangerous manner, into not having a national debate and not supporting this plebiscite on gay marriage is this: the question of gay marriage must be put before the people of Australia, and no barrier must be placed in the way of this debate by the Australian people. Australia is a mature democracy, which should not shy away from this debate.

After the people have had their say, no matter what the result, there will be people who, for very good and legitimate reasons, will have very hurt feelings—whichever side they are on. If a plebiscite of the people is used to test Australia's conscience on this matter then whoever is on the losing side of the debate will be in no doubt about the will of the Australian people and will be able to heal, unite and move on a lot more quickly.

In many ways some of the arguments against supporting this legislation are arguments against free speech in our democracy. In AC Grayling's book *Towards the Light* on page 62, when the discussion is about Milton's views on marriage and divorce, Grayling writes:

The people can be trusted to arrive at truth and flush out error better than a few appointed officials whose timidity or arrogance might make them silence truth to the detriment of all.

Grayling then draws our attention to Milton, who wrote:

Let truth and falsehood grapple ... truth is strong.

Grayling points out that:

The grappling is important, for truth emerges from contests with error, needing exercise just as virtue does.

Just as we senators are able to put our points of view and test what we believe is true and sacred about marriage in this great chamber of debate, so too must we give all Australians the opportunity to put their points of view and test what they believe is true and sacred about marriage in an even greater chamber of debate: the Australia beyond this parliament and the local ballot boxes where people of this great democracy can have their say. I fully support this legislation.

**Senator PRATT** (Western Australia) (17:53): I rise today to speak very firmly against the Plebiscite (Same-Sex Marriage) Bill 2016. I cannot fathom why those in the coalition in favour of marriage equality have accepted this as a path forward to equality, because it is not. It is simply untenable that those in favour of equality should put forward such an unequal process. The very idea that the civil rights of Australians should be subject to a popular vote, when other Australians who hold those rights were not subject to such a process, is complete anathema to those who believe in the rights and privileges of this place and our parliament. Indeed, no set of rights other than those required by the Constitution has ever been subject to a test such as this: the status of one's relationship and family life being subject to what amounts to a popular vote, which is not binding on the parliament in any case.
Make no mistake; this is a deal done to secure the leadership of the current Prime Minister, a condition put forward by those who are anti marriage equality. It is, I feel, an utterly demeaning act to determine by popular vote whether my relationship or those of other LGBTI people are of a status or value equal to those of already married couples. It is a ridiculous and upsetting notion. I do believe that the people of Australia would vote yes, but I also truly believe that a plebiscite is very much the wrong way to get there, and the means does not justify the end.

I would like to highlight a University of Queensland survey of some 5½ thousand LGBTI Australians. An overwhelming 85 per cent of those people said no to a plebiscite, and 65 per cent said no under any circumstances. There are good reasons why they and people like me put this view forward. When you look at the kind of debate we would have in the context of a plebiscite, you see that those opposed to marriage equality are actively framing their arguments around issues that do not actually relate to the substantive nature of a relationship between two people. They do this because they have already lost, in the eyes of the community, the substantive debate. When you look to the arguments that would be put forward in a plebiscite here in Australia, you see that the arguments prosecuted by those against marriage equality—as was demonstrated in the recent experience in Ireland—make it about children. Indeed, the Australian Marriage Forum headline their website with the words 'Think of the Child', arguing that marriage equality deprives children of a mother or a father. They are out to portray families headed by a married mother and father as real, ideal, acceptable and respectable, and others, like my own, as less so. It is utterly vile to have a public debate which one side at least wants to make all about the status of children.

I have my own lived experience of these issues. This example is not from my current family life but from an experience I had as a child, which I sincerely ask senators in this place to reflect on. My mother had a difficult divorce from my father and re-partnered with a delightful man, Greg. Since I was aged seven, Greg has been my dad. We were delighted, as a family, to welcome my younger brother Nicholas. But I was confused, dismayed and hurt as an eight-year-old child to hear a number of children claim that my brother was a bastard. I had to ask what it meant but I knew it was bad. No child should have their family status subjected to public debate like this. 'Bastard children', 'illegitimate children', 'half-caste children'—all are pejorative terms used in the past to comment on families and their origins. I thought we had moved on from those times, and this plebiscite should not be used to drag us back to them.

The dominant message in the Ireland referendum was that children raised by other than heterosexual, married parents are damaged and disadvantaged in some way. As a mother and as someone in a same-sex relationship, I certainly do not want children like my own son to be subjected to a public debate about the status of their family. I know what that feels like and it is not right. The simple fact is that our families already exist, and no plebiscite changes that. I said in this place some four years ago during the 2012 marriage amendment bill: Stop pretending that our relationships are not as real as yours, our love not as true, our children not as cherished, our families not as precious—because they are. This plebiscite is an extension of this pretence that, in some way, our families are not real and are not of equal value. It gives licence to those who do not support our families to condemn
them as if by passing this bill they can somehow prevent our families from coming into being. Well, you cannot.

If the coalition really cared about children they would drop this bill and direct the $200 million they want to spend on this divisive plebiscite to protecting the interests of children who do not have any reliable adults to care for them, rather than targeting the relationship status of children of same-sex couples who could not possibly be more loved or cared for than they already are. Two hundred million dollars would put in place a whole suite of early intervention child-care programs for our nation's most vulnerable children. Instead, this government is currently effectively cutting funding to many of these programs within its new jobs and families package. Your priorities could not be more wrong.

So those in favour of a plebiscite are deliberately and blindly overlooking its damaging effects. Instead, you are targeting families and children, and also you are targeting the need to keep our young people safe in our schools. You are targeting the family status of children and raising unfounded concerns regarding free-speech. Again, I quote the Australian Marriage Forum. This is from their website: at the heart of those against marriage equality is a debate about school education where 'the normalising of homosexual marriage will be used to further normalise homosexual behaviour'. That is what they say is at the heart of this debate. It is not about marriage; it is not about whether my relationship with my partner is committed and true. It is a clear message to young LGBTI people that you are not normal. That is what the proponents of this plebiscite who are anti-marriage equality are trying to say. That is the argument that they will put forward in the context of a plebiscite.

I do not believe that any young person in our schools, especially a young person dealing with an emerging same-sex attraction who could, for example, also be attending a conservative Christian school, should be subjected to people actively campaigning around them against their identity. It is an appallingly damaging thing to do to their self-esteem and identity.

On this note, again I reflect on some of the work that the University of Queensland have done. They researched 1,600 LGBTI people in Ireland to ask them what their experiences of the referendum were. Here are a few quotes from people who experienced that referendum. Seeing your parents have to seek approval or beg for human rights scared children and made them insecure. If the basic rights of your parents can be questioned and voted upon the children feel it could be the same for them!

And also:
The No campaign were ruthless in their use of images and language towards LGBTI parents and their children. The biggest hypocrisy of the whole experience was their utter disregard for both young LGBTI people, and the children of LGBTI people. It was so hateful.
The researcher who did this work said very clearly that the results show that the euphoria TV audiences saw after the referendum hid the reality of the social and psychological impacts of the campaign on the daily lives of LGBTI people and their families.

What I found most disturbing about our results—
Dr Sharon Dane said—
is that younger LGBTI people, who are already vulnerable, were the ones who reported feeling the most anxious and afraid in the lead up to the referendum.
For example, the referendum gave community and family members who were not support of marriage equality a platform from which to express the hurtful views.

Dr Sharon Dane said:

The fact that their stories were told with such detail and emotion, almost one and a half years since the date of the referendum, suggests that the impact of the 'NO' side campaign was more than a momentary experience or something that could be simply rectified through a win for marriage equality.

Dr Liz Short said:

This research provides very clear evidence that significant social and psychological detriment results from holding a nation-wide 'debate' and focus on families, children and parents, and on whether all should have the same rights, recognition and options.

Many participants expressed that "under the guise of equal debate" and "balance", the 'No equality' side was provided with a "megaphone" for "homophobia" and "hate".

Numerous reports of strained, damaged, and broken relationships and bonds were made, including within families, friendship groups, workplaces, schools, and neighbourhoods.

I do not want this same outcome for our nation. This plebiscite bill would be utterly damaging in this regard. These are gobsmackingly appalling priorities on the part of the coalition—to think that they want to spend $200 million on such a divisive instrument in our nation.

Only 23 per cent of those 1,500 people in that survey of Irish LGBTI people said they would be happy to have the referendum again. For them the cost of the referendum at a personal level was simply too high. That was the view of the overwhelming majority. More than 75 per cent of people said the cost of that referendum was just too high. It had a deeply negative impact on lesbian, gay, bisexual, transgender and intersex people and their families.

In making this speech today I really want to lay down the challenge to those opposite about their priorities. It is a real shame to me that they have put this forward as a priority, because, as a government, they are incapable of any real leadership on important issues in our nation. Those opposite are incapable of real leadership because we have a Prime Minister who is pro marriage equality but is held captive by the hard Right of his party—a hard Right who do not share the same values as the overwhelming majority of other Australians. I do not begrudge anyone in their party the right to hold those views. We can and should have religious freedom in our country. But it cannot be at the expense of other people's freedom—freedom for people like myself and my own family.

I have no issue with religious celebrants only choosing to solemnise the marriages that accord with their own religious beliefs—for example, Catholic priests are not currently forced to solemnise the marriage of someone who has previously been divorced, and nor should they be obliged to conduct same-sex marriages. But I do begrudge those opposite the right to hold the whole of our country to ransom in an attempt to legislate their views. It is a small minority rump of those opposite that is holding this whole parliament to ransom on this question.

There is no doubt in my mind that rejecting this plebiscite is the right thing to do. So what for the way forward? We already know, by a good look at the public record, that the majority of senators and members, including a majority in both chambers, are already in favour of marriage equality. Given this, there has to be a way forward. So what is now the best way forward for marriage equality?
For almost a year now the Turnbull government has been repeating its mantra: the only way forward is through a plebiscite. Well, this statement is a political talking point not a fact. The most obvious and simple way forward is with legislation in this parliament. Marriage equality legislation is about the simplest form of legislation this parliament has seen. The key parts of it are less than a page long—much less complicated than the plebiscite bill before us.

When Turnbull, Brandis, Abetz, Abbott or any number of other coalition MPs claim that it is a plebiscite or nothing, what they really mean is that their party policy is to proceed only with a plebiscite. However, there is a big difference between what a policy might reflect and how this parliament might respond to it. Politics is the art of the possible. The simple fact that the government does not have the numbers in the parliament to pass the plebiscite legislation is before us today, and I look forward to defeating the bill. It might be the end of the coalition's current policy, but it is not the end of the matter. While marriage equality does not exist in this country, it never ever will be.

The plebiscite was Tony Abbott's idea. It was designed to delay, frustrate and ideally sink marriage equality. Those against marriage equality know this, so the only way out for them was this costly, divisive and unfair plebiscite. When Mr Turnbull rolled Abbott in September 2015 to become Prime Minister he agreed to maintain the Abbott policy as part of a deal to deliver him the numbers for the top job. That deal saw Mr Turnbull commit to a plebiscite and to allow a free vote on the issue after the 2016 election. That policy did not take into account that plebiscite being knocked back in this place. It is silent on that.

Once this plebiscite bill is behind us, I want to look to my colleagues here to pursue something different. It is time for partnership and cooperation in our parliament on these important issues. The government has tried to lay the blame for the failure of progress on marriage equality at the feet of the ALP. This is absurd, and it could not be more wrong. It is time for a path forward, illustrating our mutual commitment to achieve the outcome we all want. It is time for us to reach out across the chamber to all parties and crossbenchers in a mutually agreed bill with multiparty support—and it is time to allow a conscience vote, a free vote, for all MPs.

Given the national support for marriage equality, it is time to see marriage equality pass this parliament with a free vote and the support of the coalition MPs that we know support it. I am keen to see this happen and will actively reach out to any MP who shares this vision and wants our parliament to do its job. It is time for marriage equality now.

Senator SIEWERT (Western Australia—Australian Greens Whip) (18:13): I stand to make my contribution to this debate on the Plebiscite (Same-Sex Marriage) Bill 2016 and will be joining my colleagues in, hopefully, voting down this divisive plebiscite. I have lost count of the number of my LGBTQI friends who have urged and begged us not to support this plebiscite, some of whom are the very same friends who have been nagging me with: "What is the parliament going to do about making sure we have marriage equality so we can get married?"

Those same people are saying, 'Do not support this plebiscite', because it is divisive and they do not want to achieve marriage equality this way. They are deeply distressed about it. I have spoken to a number of people who are very distressed at the thought that this will go ahead in this way. Although they have been campaigning for years for marriage equality, they do not want to achieve it this way and they are prepared to wait. If it means waiting, they are
prepared to wait. It is not just my friends who have said this to me. Across the board, people from the LGBTI community have been saying that they do not support the plebiscite and are urging us to vote no.

We have got to this situation because Mr Abbott needed a way out. He could not deal with his ultra conservatives—even though many, many people in the coalition now support marriage equality—so he came up with this brilliant plan of a plebiscite. Of course, the ultra conservatives, the hard right, thought it was great because they would get money to denigrate people. Fancy that! Not only did they put off marriage equality, but they would also get funding to go out and have a go at the LGBTI community. They must have thought they had hit the bonanza! But, as I said, overwhelmingly, people in the LGBTI community have said that they do not want this plebiscite. Rainbow families have been up here a number of times. I am sure a great many people in this place have met with those families and heard from them that they do not support this plebiscite. They have gone through with us some of their concerns about the impact a plebiscite will have on their families.

I have been looking at this issue specifically with regard to mental health impacts. I, along with many people, am convinced that this plebiscite will be damaging to the LGBTI community's mental health. Many people have been looking at the survey in Ireland, where people felt angry, distressed and anxious. Very clearly, many people thought that the campaign in Ireland had a negative impact on their mental health. Of the 1,657 Irish LGBTI people surveyed for the report *Swimming with Sharks: The negative social and psychological impacts of Ireland's marriage equality referendum 'NO' campaign*, by Dr Sharon Dane, Dr Liz Short and Dr Grainne Healy, only 23 per cent would go through that campaign again. Here we have the facts of a similar process—of course, theirs was about changing their constitution, which is different to the plebiscite—but the most recent evidence is that most people would not go through it again. Surely we should be learning from that experience, the most recent experience of its type. Seventy-one per cent of participants felt that they often or always felt negative, 63 per cent reported that they often or always felt sad and 57 per cent reported that they rarely or never felt happy. This shows a very significant impact on people's mental health.

The report shows that the two groups most negatively impacted by the no campaign in Ireland were the children of LGBTI parents, and young LGBTI people. In other words, it was the kids who felt particularly negatively impacted by the no campaign. That is exactly what would happen here with funding for the no campaign, funding that would be facilitating hate speech and the denigration of young children's families and of young LGBTI people who want to have families. Given the various attempts and comments about wanting to suspend certain elements of anti-discrimination laws, it is very obvious that those who will be campaigning for the no campaign will want to use that sort of denigrating speech.

Ireland had a referendum to change their constitution. We do not need to do that. We do not need a plebiscite. We can pass legislation in this parliament to make marriage equality a reality. There have been successive attempts, and we get closer and closer. Let's have the debate here. The Marriage Act was originally changed in this place and it can be changed again. Just the thought of the debate around the plebiscite has had a negative impact on people's mental health. Lifeline has now added a marriage plebiscite as a category to its
services. The trauma that the LGBTI people are likely to experience if a plebiscite goes ahead will have an impact on their lives that will, in fact, be unquantifiable.

In the *Swimming with Sharks* report one of the LGBTI people surveyed said:

Definitely the hardest part for me. My Dad was campaigning for the no vote. I had to just make peace with it in the end and realise that I couldn't change him and that he wasn't going to be who I needed him to be. It hurt a lot though and I still don't think I've fully processed or recovered from that.

Another participant spoke of their grandparents and the approach they were taking and the impact it had on them. Their grandparents were just like other people they had met who were voting against them. This person said:

I can feel my heart rate increasing just typing this … I do not wish to speak ill of [my grandfather] but knowing that he was voting against me and my future was one of the most painful moments of my life ...

LGBTI people will be the targets of negative campaigns that will try to legitimise prejudice and homophobia. We should be supporting the LGBTI community so that they can feel loved, safe and respected. But, in fact, what this process will do is denigrate and foster hate speech against the LGBTI community, and it will impact most significantly on families, on young children and on young people. That is not the future that we should be laying out for young people.

I agree with my colleague Senator Rice, who said that we should be breaking up from the plebiscite. We should have done it a long time ago. In fact, we should never have got together in the first place. We certainly should be breaking up with the plebiscite. There should be a free vote in this place on marriage equality. It is 2016. It is time that we had a free vote in this place and enabled marriage equality so that LGBTI people have the same rights that I had when I got married three years ago. Let's vote this down and get on with marriage equality.

**Senator McCarthy** (Northern Territory) (18:22): I rise to speak against this bill for a plebiscite. In my maiden speech I made a direct reference to an example that had impacted my family quite closely in the issues that first nations people struggle with in terms of their sexual identity. I also spoke about the call on the Prime Minister really urging him to replace this bill with legislation supporting a free vote on marriage equality. I stand again asking for the Prime Minister to do this—and why? Because we know Australians overwhelmingly support marriage equality.

In the Northern Territory people certainly pride themselves on giving others a fair go, and I know that the Australian community is very much like that. Territorians certainly do not need an opinion poll to tell us that we support marriage equality, and as part of the process of informing myself more on marriage equality and the views of the people of the Northern Territory I held a couple of roundtables in Darwin and in Alice Springs to canvass the views of the LGBTI community and the wider community, and I would certainly like to thank all those people who shared their views and experiences. It was very personal for many of the people gathered who shared so openly not only with me but, clearly, with all else who were present. Some of them knew each other; some of them did not. They spoke personally from the heart about how a plebiscite would impact their families, their professional lives and their personal space. Their concerns were largely about the division and what hateful and hurtful comments would surface—have already surfaced in some of the campaign ads they have
already seen on the television—and that any plebiscite campaign would only accentuate the hurt and the hate for some of these people who feel it so deeply.

I have received numerous emails and messages on both sides of the campaign and I have certainly made it clear that I support marriage equality and that it should be made possible by a free vote in the parliament. Families have spoken to me about how hurtful the lead-up to the discussion and debate but also even any campaign would be. It would also be discriminating. The ad campaigns that have run so far this year caused deep concern when a rainbow coloured nurse was used in a campaign against same-sex marriage.

I heard also how people are worried about the plebiscite debate being a forum for haters and bigots. And then of course there are the parents of LGBTIQ members who fear the negative impact on their children. There was a teacher who told me that homophobia is a very real issue that has to be dealt with properly in schools. This teacher was concerned about the negative impact of a plebiscite on young people and their mental health and wellbeing. People also asked why the money to be spent on a plebiscite cannot go towards supporting much-needed counselling and health and wellbeing services that assist youth in particular, especially when we see the high rates of suicide and depression amongst the LGBTI community.

Many say the plebiscite is just a distraction from so many far more pressing matters. Members opposite talk about the proposed plebiscite date of 11 February, some three months away, as though the date is the golden pot at the end of the rainbow and as if at 11 February all will be well, but why should LGBTIQ people be subjected to the intrusion of whether their love is real when—hello—we could do it right now? The rainbow is right here. We could act today to make marriage equality a reality.

One of my favourite quotes from the recent NT election comes from the newly elected member for Namatjira, Chansey Paech, the first openly gay Indigenous parliamentarian in the country. This young man has broken new ground—young, gay, black—and he wears it all with pride while representing a largely Indigenous bush electorate. His opponents in the campaign for Namatjira tried to make his sexuality an issue, thinking that Aboriginal men in particular would react negatively to a gay candidate. But, as the result proved, it was not an issue for most of the voters in Namatjira. As one bush voter said to him, 'We don't care if you're a gay; we just want better houses.' As the member for Namatjira said himself in his first speech last month:

I look forward to the day when this country will recognise my rights as equal rights, when I too can marry in my country, on my country, as a recognised first Australian.

This is what this debate is about. It is about equality, recognising that it is not acceptable in Australia to discriminate against a group of people based on their sexuality or gender identity. Governments across different jurisdictions have administered marriage laws in Australia since European settlement. Restrictions were placed on Indigenous Australians' right to marry whom they chose, and there was variation in state laws regulating who we could or could not marry. Victoria's Aboriginal Protection Act 1869 gave the Victorian Central Board for the Protection of Aborigines the power to refuse marriage applications from Indigenous Victorians. In Queensland the Aboriginals Protection and Restriction of the Sale of Opium Act 1897 prohibited Indigenous women from marrying anyone other than an Indigenous man without the permission of an Aboriginal protector. In the Northern Territory, which was governed by Commonwealth law, the Aboriginal Ordinance 1918 restricted marriages...
between Indigenous women and non-Indigenous men. For example, the marriage of Indigenous or half-caste women to non-Indigenous men required legal permission.

In 1959 a young Indigenous woman, Gladys Namagu, was denied permission by the director of welfare in Darwin to marry her fiance, a white drover called Mick Daly. This became a celebrated case where Mick was convicted of cohabitation with Gladys.

**Sitting suspended from 18:30 to 19:30**

**Senator McCARTHY:** National media covered the love story of Gladys and Mick. It was taken up by the courts and eventually they won their right to marry when the Director of Welfare eventually decided not to oppose their union.

That was in 1959. Only seven or eight years later we had the 1967 referendum, and that was a tremendous outcome for first nations people in this country. A few years later, my father met my mother, and the difficulty of cohabitation and the laws and the stigma that still surrounded remote regions of Australia were very strong in their relationship. I share that small, personal part of my story because it impacted on the lives of my family.

I would like to actually acknowledge the very personal stories that have been shared in the Senate today during the plebiscite bill debate, in particular by Senator Wong and Senator Pratt. I think it is really important that we remember that we are speaking to so many Australians. We are talking about the lives of Australians whose basic, fundamental human right is being questioned. I note that when the power to ban interracial marriage was removed from Australian law it was not subject to a plebiscite.

In my maiden speech I also spoke about the hate that was levelled at one of our sporting heroes, Adam Goodes. The vitriol, the social media attack, the commentary—all Australians were transfixed on this one person. The emotion that came out from all Australians—some of it good and some of it horribly wrong. If we can see that kind of hateful and hurtful debate take place so recently in our memories over a sporting legend who was forced to retire, I am in no doubt that this is the example—just one major example, a most recent one—which families from the LGBTI community speak about. The fear, the hurt, the hate: it is unnecessary when we are talking about their basic human rights.

Given this, we need to ask the question: can we respectfully debate and discuss marriage equality when we cannot do this on issues of race in this country? I know personally that we struggle with that. It should not be a debate. Let's do our job as lawmakers and make marriage equality a reality now.

**Senator WATT** (Queensland) (19:33): I speak today not as an LGBTI person but as a very good friend of the LGBTI community. I also speak as a father, as a friend and as a husband.

As a politician I have voted on relationship rights before. When I was a state member of parliament in Queensland I was proud to be part of a government that passed a bill allowing civil unions in Queensland. That was as far as we could go as a state government. Back then, in support of that legislation, which was subject to a conscience vote, I said this:

I recognise that there are strong views in my community on both sides of this issue. I have heard from supporters and opponents of the bill. I believe that, more than anything, my community expects me to be honest with them and vote with my conscience.
My conscience tells me that we should not prevent couples from celebrating and recording their commitment to each other merely because of factors such as their race, gender, or sexuality. For that reason, I will be supporting the private member's bill to allow civil unions in Queensland. I believe that my community expects their political representatives to reject all forms of discrimination. This bill removes a form of discrimination against same-sex couples and it has my full support.

That legislation, passed by the Bligh government in 2011, was cruelly repealed by the Newman LNP government on its election. Fortunately, things were set right by the Palaszczuk Labor government, which restored civil unions on its election last year.

It is now time for this parliament to set things right and make marriage equality law. This parliament has the power to make marriage equality legal. We do not need an expensive, divisive, nonbinding plebiscite to do the right thing.

Today I want to speak about families. I have my own family. My wife and I are fortunate to have two wonderful children. Families are vital to society, but no two families are the same. There are families like mine, with two kids and two parents. There are families with 11, 12 or 13 children. There are families with a single parent, and those single parents are no less capable of being parents. Their love for their children is the same. There are families with stepchildren, and step-parents who share parenting or who co-parent. There is absolutely nothing wrong with these families. The love they share for each other is exactly the same as the love my family shares for each other.

Our LGBTI community have families too. They are rainbow families. I have several LGBTI friends who are in loving relationships and who have children: rainbow families with loving mums or loving dads, with grandparents, aunts and uncles. There is nothing different about the love they share for each other—absolutely nothing. There is nothing unique or special that makes my family more legitimate than any of the other families I have mentioned. It is not our place to tell someone's family that there is something illegitimate about them, that there is something abnormal, wrong or unnatural about their family.

I respect the fact that marriage is a longstanding institution. It was with respect for that institution of marriage that my wife and I publicly recognised our own love through marriage. Some say that this institution cannot be changed, that it must remain the preserve of a man and a woman. The reality is that the meaning of marriage, the meaning of family, has changed before. This was pointed out by Beth Robinson, an attorney for the plaintiffs in the marriage equality case in Vermont, which started the push towards marriage equality in the United States. Robinson compared the case in Vermont to a 1948 decision by the Supreme Court of California overturning a law barring interracial marriage. She said:

The notion of a black person and a white person marrying was as antithetical to many people's conceptions of what a marriage was as the notion of a man marrying a man or a woman marrying a woman ...

That California decision was controversial, courageous and correct.

It is correct to say that times have changed since 1948, and the world has moved on since interracial marriage was banned. In many other places, marriage for LGBTI people has also moved on. The United States, Spain, Ireland, the United Kingdom, Canada, South Africa, Norway, our neighbours in New Zealand and many other countries have moved on in relation to marriage equality. The world has moved on, and it is time that Australia moved with it.
Marriage discrimination is one of the last bricks in the wall that have stood in front of our LGBTI community and their rainbow families being recognised as full citizens in our country. I am very proud that very often it has been Labor governments in this country that have led the way in recognising LGBTI families and LGBTI people and conferring rights on them that have been taken for granted by many of us. In the mid-nineties the Keating government passed a law which essentially made it illegal for states to impose laws that discriminated against homosexual people in relation to sexual contact if they were over the age of 18. In 2008 the Labor government introduced historic legislation to provide equality to same-sex couples under all Commonwealth laws in areas including tax, social security, health, aged care and employment.

But equality that is not complete is not equality at all. A majority of Australians support marriage equality. They want us to make it happen, but a plebiscite is not the right way for us to do the right thing. Let us be clear: the plebiscite is not about trusting or not trusting the Australian people. The arguments made by the government in this respect are fundamentally flawed and show that they are completely disingenuous when it comes to making marriage equality happen. The plebiscite is about giving people a say in someone else's private relationship. Marriage is a decision between two people only. It is not a decision to be made by anyone else other than the two people getting married. In modern Australia, permission is not needed for straight couples to get married. When I got married I did ask my in-laws as a courtesy but I was not asking for permission. I did not have to go and poll the Australian people about whether my wife's and my relationship was worthy of marriage. I knew and my wife knew that our relationship was strong enough to take the next step. More importantly, when the Marriage Act was amended by Prime Minister John Howard in 2004, we did not hold a plebiscite then. We did not need a divisive, expensive poll then, and we do not need one now.

The people who should most have a say on whether we remove marriage discrimination via a plebiscite are the people this plebiscite will directly affect, and that is the LGBTI community. Labor have consulted the LGBTI community. The government say they have, but have they really listened? Over the past few months, I have met with members of the LGBTI community. I met with them here in Parliament House, I marched with them through the streets of Brisbane at the Pride Festival and I have sat down with them, along with other members of the opposition, and really listened to their concerns. They told me that their community overwhelmingly does not support a plebiscite. Even if the plebiscite would lead to marriage equality, they do not want a plebiscite. They have been fighting for this for all their lives and they are willing to wait longer, if necessary, to avoid the hatred and division which will be ushered in via a plebiscite. Why would they do that? Because they know more than anyone how hurtful and damaging a plebiscite will be.

The LGBTI community have lived the majority of their lives in fear, pretending to be someone else and afraid of what people might say. They hear constantly and are told every day by our cultural conventions that there is something wrong and different about them. I cannot tell you the number of occasions when friends of mine have talked about their partners and it is presumed that they are talking about someone of the opposite sex. At one level that is a normal reaction from people, but it does show that each and every single day LGBTI people run up against presumptions and assumptions that are very hurtful to them. It is why the
mental health of LGBTI people is among the poorest in Australia. BeyondBlue has called for this parliament to end marriage discrimination, saying that all Australians deserve the opportunity to express their love and commitment through marriage, regardless of how they identify. The sense of loss, hurt and discrimination experienced by those who are denied this opportunity is profound. Lesbian, gay and bisexual Australians are twice as likely to have a high level of psychological distress as their heterosexual peers. LGBTI people have the highest rates of suicide of any population in Australia. The elevated risk of mental ill-health and suicide among LGBTI people is not due to their sexuality, their sex or their gender identity in and of themselves but it is due to discrimination and exclusion, which are key determinants of someone's health. This is particularly an issue for the LGBTI community in regional parts of Australia, including regional Queensland. I have many friends who have suffered abuse. I have friends who have been violently attacked. I have friends who have been afraid to be who they are, because it has taken us so long to get to a point where we have silenced the notion that there is something unnatural or abnormal with gay and lesbian people. I have friends who are in happy, fulfilling relationships today but who still suffer now from years of being discriminated against. Despite the leaps and bounds made towards equality, our country is still not a safe place for LGBTI people. We are only now reaching a point where these Australians are able to feel safer, to come out and to feel proud of who they are.

Marriage equality will take us forwards. This plebiscite would take us backwards. Not content with facilitating division via this plebiscite, the government also wants the public to fund the campaigns against marriage equality. They want the taxpayer to give money that will be spent on television commercials, newspaper ads and letterbox drops distributing material that will contribute to the further suffering of LGBTI people. If there is some doubt or naïveté from those opposite that the 'no' campaign will be civil and respectful when they seek to justify why LGBTI people should not be equal, then it is clear they have not been listening to what is already being said about this issue.

The Australian Christian Lobby has said they will spend the money on advertising that has nothing to do with marriage equality. Lyle Shelton, the ACL leader, told ABC Radio that 'there's been very little discussion about the consequences, how this might flow into schools through programs like the Safe Schools program when you take gender out of marriage'. He said: 'The money will go towards airing the concerns of a whole range of consequences that flow from taking gender out of marriage.' So, there you have it: the head of the ACL is saying that all of this public money will not actually be spent on the issue of marriage equality; it will be spent on what he considers to be the 'inevitable consequences' of gay marriage. Why should taxpayer money be spent on TV ads that tell LGBTI kids there is something wrong with them because they are gay, that they do not deserve to be parents, that they do not deserve to get married?

A debate cannot be civil or respectful when the premise of denying equality based on sexuality is not civil or respectful in the first place. I have heard my colleagues opposite say that Labor is standing in the way of marriage equality, that the only way to achieve marriage equality is a plebiscite, that the yes vote will get up anyway and that my colleagues on this side of the chamber are playing politics with the lives of LGBTI people. That is probably the most disrespectful thing that has been said in this debate so far. My colleagues on the other side know as well as we do that they are playing politics with this matter. We could have
marriage equality now. The coalition is in government. Malcom Turnbull is our Prime Minister. When he toppled Tony Abbott, he had the opportunity to do away with Abbott's plebiscite policy. But he has not done that—because, despite saying that he supports marriage equality, he is hamstrung by the far right of his party. If Malcolm Turnbull wants marriage equality to happen, then he should put a vote to the floor of the parliament and let his party vote freely on this issue. There is only one person and only one party delaying marriage equality and that is Malcom Turnbull and his government.

I love my family and I love my kids. No matter what they do when they grow up, or who they decide to love, I will love them always. I am not unique or special in that sense. No-one in this place has the right to say that my family is more important or more legitimate than anyone else's. No-one in this country has a right to tell LGBTI families that there is something different and wrong about the love they share. Marriage brings loving people together. Let's bring people together by making everybody equal.

Senator HANSON (Queensland) (19:49): I have listened to some of the comments here and I have spoken to many people on the streets and listened to their concerns about this. You say the parliament should make the decision on this. Has anyone really considered how the public feel about this? Is it going to be a social issue—the impact on the Australian people of a plebiscite on same-sex marriage? I have no problem with people who want to be with people of the same sex. Everyone has a right to live their life with happiness and how they want to in their own homes. But what I am hearing from people is that they want the word 'marriage' to be defined as being between a man and a woman. If you want to bring in equality, if you are a homosexual and you want to marry someone of the same sex, let's make it a 'civil ceremony'. Why do you have to use the word 'marriage', which is defined as being between a man and woman? The public would come along with you. They would agree with you.

Same-sex marriage has a social impact and I think it has not been discussed on the floor of this parliament. Tell the people how it will impact on their lives. What are the numbers who want to marry? I have spoken to a lot of gay couples. They do not want to marry; they are not interested in it. So here we have a minority who are pushing their views onto the majority of Australians. The parliament, especially those in the opposition, does not want to go to a plebiscite. You know that the majority of people out there in society might vote against it and you are not game to put up with that and face it.

I have heard the arguments on the floor of the parliament. You have said there is going to be intolerance and hate speech. That was not the case in Ireland. Is that a weak excuse for not putting it out there and letting the people know about it and have their opinion? It is not about this parliament. We are representatives of the people. But when it comes to a social issue like this, it is up to the people to have their say. Don't deny them their democracy to have their say—because it will impact on our society.

I personally have called for a referendum—and it is One Nation policy. Why? Because section 51 of the Australian Constitution defines the word 'marriage'. 'Marriage', as interpreted by the founders of our Federation, is between a man and a woman. If this parliament passes the word 'marriage' to define couples of the same sex, then who is to say that further down the track in this parliament we will not pass multiple marriages as the same case? So let's put it to a referendum for the people to define the word 'marriage'. Put it to the people: do we define
'marriage' as people of the same sex or people of the opposite sex as well? Let's put it in our Constitution. Apart from that, if that is not the case, then let's send it to a plebiscite for the people to decide. I personally believe that marriage is between a man and a woman, but, if the people of this country in a plebiscite decide to vote that marriage can be between those of the same sex, I will abide by their wishes. I will support it in this parliament because that is what the people want.

This is where my concern is. I will be moving an amendment in this parliament that I believe the plebiscite should go to the next election. A cost to the Australian taxpayer of $170 million is a disgrace. It should go to the next election so people can vote on this at the next election. We cannot afford it. I am fighting for money to clean up the family law courts. People are suiciding. There are farmers. I went to Charleville. Farmers there are distraught because they cannot farm their land and have no help from the government whatsoever. We can use that money in many areas—hospitals, schools and other areas—without spending $170 million on a plebiscite.

How many people are we actually talking about? If you truly love someone, do you really need to have a certificate that says you are married? That commitment can be made to anyone. How you feel about a person comes from your heart. You do not need to have it defined to have it justified. Besides, I will tell you now: I have been married twice. It is not all it is cracked up to be. It is not as fantastic as everyone thinks it might be.

We are paying interest of $40 million a day. Can we afford that? No, we cannot. We have to be mindful that this country is in debt and what it is costing us. Then there is your call about marriage equality. Equality means 'right across the board'. They have rights to superannuation and everything else as far as marriage is concerned. I acknowledge that and I totally agree with it. I have heard the cases of couples of the same sex making fantastic parents. I have no problem with that whatsoever. But where are the rights of the child? Under marriage equality, you are going to talk about the adoption of children. Where are the rights of the child to be brought up in a home where there is balance between a male and a female? I will be criticised for this because I speak my mind. Add it to the list.

I want people to understand what will happen with this. If you have marriage equality, then you must have adoption of children. That is part of it. The rights of the child. I am concerned about that. Also, what happens when those children of same-sex couples go to school and the teacher says, 'Johnny and Susan, I want you to draw a picture of your home with your mummy, your daddy and your siblings,' but the children say, 'I don't have a mummy' or 'I don't have a daddy'? So, further down the track, are we going to say, 'No longer can you call that person your mummy, your daddy, your grandma or your grandad because that offends the children who do not have that'? I do not know. Can anyone in this House tell me: what do they call the people of same sex in that household? Are considerations of those kids being taken into account? We change it now when at schools we do not sing Christmas carols because it offends a certain religion. We do not do that because it offends a certain race. Has this been debated? Tell the people what the future holds for them. Let them make an informed decision. That is what I am saying. Put the facts out there. Let the people know, because it will have a social impact on our society and people have a right. Let them have their say. Let them have their vote. We owe the people of Australia this. I will stand by their decision. Are
you prepared to do that? If they vote no, against it, are you still going to push for this until the parliament gets its own way?

Look at the minorities. I am sick and tired of adhering to the minorities in this country. Let's look at what the majority wants. That is what it is all about.

**Senator Whish-Wilson:** You're a minority too.

**Senator HANSON:** That may be the case. Is it? You are not listening to the people. You do not listen to how people feel.

**The ACTING DEPUTY PRESIDENT (Senator Ketter):** Senator Hanson, would you direct your comments to the chair, please? I just make the comment that senators are entitled to be heard in silence. Thank you.

**Senator HANSON:** Sorry, Acting Deputy President. You are right. I have friends and acquaintances and work colleagues who are homosexual. I have spoken to them and a lot of these people do not agree with marriage. They do not want it; they do not agree with it. In all honesty, give the people their right to have a vote. I stand by the plebiscite and the wishes of the majority of Australians. I say: put it to the vote at the next election and let the people have their say.

**Senator McKIM (Tasmania) (19:59):** I stand proudly to oppose the Plebiscite (Same-Sex Marriage) Bill 2016 which would, if passed, provide for a divisive, unnecessary and harmful plebiscite. I say 'harmful' because we know the experience of the people of Ireland, who were in a totally different situation in terms of their constitution and their political and legislative frameworks. They needed to go through a plebiscite in order to deliver this reform. History will show you that, ultimately, the Irish people voted for the reform, and I have to say it was one of the most joyous times that I have had in my over decades-long contribution to this debate in Australia, watching the Irish people celebrate marriage equality in their country. But we do know the harm that was caused not only to LGBTIQ people in Ireland but also to the children of LGBTIQ people in Ireland. People are saying, 'Won't someone think of the children?' Well, we are thinking of the children in opposing this plebiscite, and we are thinking of the children in supporting a free vote on marriage equality. My party, the Australian Greens, are thinking of the children in our long-held and uniquely consistent support of marriage equality in this country. We are thinking of the children of LGBTIQ people, and we are thinking of LGBTIQ people.

What we know from the quite frankly horrendous statistics on suicide, is that LGBTIQ people are, as a cohort, very vulnerable people. Why would you want to subject vulnerable people to what you know is going to be a harmful and hate-filled debate? There are people who, as the Prime Minister does, say, 'I've got greater faith in the Australian people than those who make these comments,' and, 'I have confidence in the capacity of Australia to have a respectful debate'. Well, regrettably, I do not share that confidence because I have seen this debate firsthand, not as a gay or lesbian person but as someone who has participated in this debate for over a decade. I have seen the hate and I have seen the harm, and, tragically, that is exactly what we would be voting for if we were to pass this legislation this evening. Why would we subject people to almost certain harm just because a few of us, and I will come to the identity of that few in a minute, lack the courage to actually have a free vote in this place? Make no mistake, it is well within the capacity of this parliament to deliver marriage equality.

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**CHAMBER**
this year if it wants to, and the only person standing in the way is Prime Minister Malcolm
Turnbull, who still refuses to give his party a free vote on this issue.

I want to say something about discrimination, because members who have bothered to
inform themselves and educate themselves will know that there is still discrimination that is
being faced by LGBTIQ people in our community. I want to say very clearly to members of
this parliament that we cannot hope to end discrimination in our schools, in our hospitals,
in our other sporting clubs or anywhere else in our community while we still preside over
discriminatory laws. The Marriage Act, as it is currently drafted, is discriminatory, so if we
want to show some leadership here—if we want to be able to look our community, the people
who we represent, in the face and say, 'Don't discriminate in your schools, in your sports clubs
or in your hospitals'—first we have to make sure that we are not discriminating in the laws
that we create in this place. Shamefully, we are still discriminating in the Commonwealth
Marriage Act, and shamefully, it was the big political wedge that was thrown by former Prime
Minister John Howard's former Attorney-General Philip Ruddock. Unfortunately, the Labor
Party supported that amendment to clarify that the Marriage Act related only to marriages
between a man and a woman. We have to end the discrimination in our laws. Until we do,
there will continue to be discrimination in our community. That discrimination will not end
overnight should we pass a bill on marriage equality—it will not. But those who would
discriminate—whether it be casual discrimination or more entrenched, systemic
discrimination—would be sent a very clear message by the leaders of this country sitting in
this place voting for marriage equality and voting to end marriage discrimination in this
country.

There are lots of arguments that are put against marriage equality by many people, and I
have to say I reckon I have heard most of them. I heard a few of them in Senator Hanson's
contribution, and I just want to respond to a couple quickly. Senator Hanson claims that many
gay couples do not want to get married. That is true. But, do you know what? I do not want to
get married either. I have never been married, and I never will get married. But, do you know
what? If someone tried to take my right to get married away from me, I would defend it to the
death, because I want the right to marry. I do not want to get married; I want to have the right
to marry. I want to have the right to marry, and that is what LGBTIQ people deserve in this
country. They want the right to marry. The fact that some of them do not want to get married
is completely irrelevant to this debate.

The other point I would like to make is that what this legislation is proposing to do is
outsource a fundamental human right in this country to a popular vote. It is all very well for
coalition senators in particular to come into this place and say that if their states or their
constituencies vote for marriage equality then they will vote for marriage equality. But it sets
an awfully dangerous precedent for this parliament in a representative democracy, which is
what Australia is, to outsource fundamental human rights to a popular vote. It is a very
dangerous precedent.

I have no doubt that a yes vote would win. I have no doubt in my mind. That is because I
have seen this debate firsthand for over a decade. I remember in 2005 when I tabled in the
Tasmanian parliament the first explicit same-sex marriage legislation in any Australian
parliament. I remember we could not get a single non-Green vote to even refer it off to a
parliamentary committee—not a vote on the issue but just on the question of whether we
should have a parliamentary and community conversation about the issue of marriage equality. We could not get a single non-Green vote. Yet, if we fast-forward seven years from that day, I co-sponsored legislation with a Labor Premier, Lara Giddings, that actually passed through the Tasmanian House of Assembly. It was the first chamber of any Australian parliament to pass marriage equality. When people say to me that Tasmania is an inherently conservative state, I say, 'Go and have a look at that debate.'

While I am at it, I want to paraphrase something that a Labor Party member said in that debate. It was Graeme Sturges MP, the member for Denison, a longstanding unionist of very high regard in Tasmania. I did not always agree with Mr Sturges, but he said something in that debate that has never left me. He said: 'I've been married for nearly 50 years. It's been absolutely fantastic and I can thoroughly recommend it for everyone.' That is what he said before he cast his vote in the Tasmanian parliament in favour of marriage equality.

How else do we know what Australians think about this plebiscite? Shelley Argent at PFLAG and Rodney Croome at Australians For Equality have done a lot of work to try to discover what the Australian people think about a plebiscite. We know what Australians think from a Galaxy poll from July this year. When respondents were asked whether or not they supported a plebiscite, less than half—not a majority—supported a plebiscite. A minority supported a plebiscite. But then when the poll followed that question up by revealing that in fact the proposed plebiscite would not be binding, that support dropped to 35 per cent in support of a plebiscite. Then when respondents were asked the subsequent question that revealed the cost to the Australian taxpayer of a plebiscite, support dropped to 25 per cent. One in four Australians support the plebiscite that this legislation seeks to enshrine. One in four only in this country support it, based on that poll.

A survey has also been conducted of nearly 5,500 LGBTIQ Australians. I am advised that it is the biggest survey of LGBTIQ people in Australia's history. Eighty-five per cent of the people surveyed oppose a plebiscite. Many high-profile community LGBTIQ leaders have said very clearly and very explicitly, 'We would prefer to wait to get marriage equality if it means we don't have to put up with a plebiscite.' They would be prepared to wait.

And they may have to wait, because this legislation is not going to pass when the vote is held either tonight or tomorrow. But they will not have to wait long, because the Senate rejecting this legislation puts the ball fairly and squarely back in the court of our Prime Minister, a man who we all know supports the reform and supports marriage equality but a man who, to date, has not found it within himself to offer his MPs a free vote on this issue.

What sort of Prime Minister does not have a plan B in these circumstances? You can say what you like about Malcolm Turnbull, but he is not silly. He is not. He is a very intelligent man. I have no doubt at all that he has a plan B up his sleeve. I hope that when this Senate knocks off this legislation, which it will, that we see Mr Turnbull fulfilling a part of his destiny as Prime Minister and revealing his plan B, which can only be to walk into his party room, open his arms, open his heart and tell his members they will be given a free, or conscience, vote on this issue. When he does that and when we see a cross-party sponsored piece of legislation, I have no doubt that the Commonwealth parliament will vote for marriage equality and we will end the discrimination that still exists in our laws.

So here we are today, about to knock off the plebiscite. For all we know, Mr Turnbull will not take the obvious step of revealing his plan B. If he does not reveal a plan B, we will be
left in a situation where the majority of Australians support marriage equality, a majority of members of parliament support marriage equality, the Leader of the Opposition supports marriage equality, the Prime Minister supports marriage equality and numerous community leaders support marriage equality. Yet, we just have that one person, our Prime Minister, who will be standing in the way of this important, in fact, crucial reform. We have to end the discrimination in our laws if we are serious about ending it in our schools, in our hospitals, in our sporting clubs and in our community.

I was reflecting earlier about the journey that many of us have come on. I want to pay particular credit to someone who I would proudly describe as a friend of mine, and that is Rodney Croome AM. He is an awesome Tasmanian, a man who is dedicated, and who is in the gallery this evening. I am very pleased that he and his colleagues are in the gallery. Rodney is but one of a large number of people, including Shelley Argent from PFLAG and many others, who have worked on this reform. Rodney has been on this for well over a decade. He has paid personal sacrifices for his support of marriage equality and his opposition to the plebiscite. I want to acknowledge him today as a champion of the LGBTI community in this country and someone who has selflessly worked, for goodness knows how many hours, to deliver this reform of marriage equality.

I want to say through you, Mr Acting Deputy President Ketter, to Rodney and all of the other people who have worked so hard on this campaign: it is not long now. You can feel it. It is so important that we do it the right way. The right way is not a harmful, divisive and expensive non-binding plebiscite, because we know that is not what the Australian people want. We know that is not what the LGBTIQ community wants in this country. They want the reform and quite understandably they want it now. That is why when this legislation is defeated by the Senate, with every fibre of our being the Australian Greens, as the only party—since the start of the marriage equality debate—supported marriage equality in his parliament and in this country, we will be seeking to work constructively and collaboratively with other members and other parties who support this reform. It is why we will do everything we can to put the acid where it needs to be put, and that, of course, is on Malcolm Turnbull, our Prime Minister. Rarely in a country’s history do you get a situation where one person, by one action, can change the course of a crucial debate, but that is where the Prime Minister finds himself at the moment. This legislation will go down, and he has the capacity to deliver the reform this year if he wants to do it.

We stand ready in the Greens. I know there are members from the Labor Party and from the Liberal Party who stand ready to work cooperatively to make this reform happen, but it needs the Prime Minister to give a free vote to his members. So I urge the Prime Minister, in fact, I beg the Prime Minister, to give us a free vote. Give your party room a free vote, because you are the one, Prime Minister, who can make this reform happen by one simple action. With one scintilla of courage he can deliver a really crucial reform to this country without the harm and without the expense that a plebiscite will guarantee.

I am proud to stand here as someone who has worked nowhere near as hard as Rodney Croome and many other people on this issue but who has worked hard on marriage equality for well over a decade now. I stand here proudly in opposition to this legislation. I stand here proudly as a member of the Australian Greens saying, ‘We stand ready to work with other
members right across the political boundaries of this parliament to deliver the urgently needed reform of marriage equality.'

Senator STERLE (Western Australia) (20:19): In December last year I had one of the proudest moments in my life when I walked my daughter down the aisle for her wedding. I thought to myself, 'Wouldn't it be lovely if every parent could have that opportunity?' I want to get it on the record that I support gay marriage. There is absolutely no argument about it. The sooner we get it done the better. To make it very, very clear: I do not agree with the plebiscite—$160 million-plus. We politicians get paid a significant amount of money. No-one can say that we do it tough. Have the intestinal fortitude to put it through the chamber. Have the guts to put your hand up for or against—whichever way it happens. I hope it goes the way that everyone is telling me—that it is going to get through. Why are we spending taxpayers' money? I am opposing the plebiscite.

Senator ROBERTS (Queensland) (20:20): As a servant of the people of Queensland and Australia I remind senators that the people have voted for a plebiscite by returning the government and by voting for our party, Pauline Hanson's One Nation party. Why disregard the people's verdict? Why are so many senators and members so scared of giving the right to decide marriage's future? Do such senators simply want to control the people? Do the Greens and the ALP have so little faith in Australians, fearing that an open debate will somehow be divisive and hateful? If so, why? Always beneath control there is fear. We have seen no evidence of hate to date; just respectful disagreement. It is the right of every person to express that respectful disagreement.

Some senators, amazingly, deride the plebiscite as an opinion poll. Does that not imply they think their election as a senator was an opinion poll? If it was, does that not question the legitimacy of their position in the Senate? Do senators blocking the people having a say simply fear a no vote will succeed, and are attempting to block it? This is, at its core, yet another issue of freedom versus control, with the usual suspects wanting to control the people that we are supposed to serve.

A plebiscite will provide legitimacy for the result, whichever way it goes. People who are in favour of gay marriage, if the vote goes that way, will accept it. The people who oppose gay marriage will also accept it because it is the people's view. A decision of politicians by politicians for politicians will not provide legitimacy for the result. There will be half the population aggrieved. Instead, a plebiscite will provide legitimacy, and that will provide freedom for all. Australian people must be allowed to have their say on marriage.

So, what is there to be so divisive about? My personal view is that there is nothing to prevent two people who love each other living together lovingly. That already occurs. If a union between two people of the same sex needs to be formalised, another form of celebrating and recognising that can occur. My view, however, is that marriage is between a man and a woman in accordance with the laws of nature. I freely recognise and applaud those who disagree with me. I uphold their right to have an alternative view. I understand there are strong opinions on this issue and I welcome diverse opinions, because they can only make us stronger and make the people's acceptance of the result so much stronger.

It is difficult to believe that senators are worried about the cost of a plebiscite when we have wasted almost $10.2 billion on desalination plants, with all but one mothballed immediately. That is almost enough for 70 plebiscites. Where is the outrage over that
expense? Silence. Crickets. All this wasted expense was based on a forecast from a government funded serial misrepresenter of climate science. As I said in my first speech, so-called science expert Tim Flannery beclowned himself when he said that dams would never fill again. It was a wasted forecast—wasted billions, abused Australians. We are now witnessing the destruction of our economy. South Australia has already self-harmed with all the self-satisfied criminal ignorance of a child shredding a Rembrandt with a pair of scissors, and now other states are madly following. Am I to understand that we can flush billions of people's dollars away and destroy Australian livelihoods, jobs and lifestyles, yet not trust Australians with having the opportunity to exercise their say for a tiny fraction of that cost?

For those claiming now to be concerned about the public purse, allow me to make a suggestion: hold the plebiscite concurrently with the next federal election. There are ways of minimising the cost and maximising the debate. Respectful debate and honest sharing of opinions—let's have them. It is such freedoms that Australians are famous for. We are the people who believe in a fair go for all, including for those with whom we disagree—unless, of course, you disagree with the leftist agenda of control over freedom. For those who support and speak for freedom, we must give Australians a voice.

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (20:25): I rise tonight to speak on the Plebiscite (Same-Sex Marriage) Bill 2016, a bill which, if passed, will give effect to the most wasteful political exercise certainly that I can remember and probably in Australian history: Australia's largest ever taxpayer-funded, non-binding opinion poll.

As others in this place would know, I have, over time, changed my view regarding marriage equality. I have come to support it after careful thought and reflection and after speaking to many same-sex couples, including among friends, family and my Tasmanian constituents, and hearing what marriage equality would mean to them. I believe we need a pathway to marriage equality in Australia but that this bill is not the way to achieve it. Not only is it a monumental waste of money at a time when there are far greater needs; it will serve as a platform for hate speech, even though many of those supporting a plebiscite disagree. Only today, in my office here in Canberra, I received in the mail—and I am sure many other senators did and probably members in the other place too—a pink document that said the most atrocious things about the effect that same-sex marriage would have. I was going to bring it in and read it but, to be honest, I actually felt sick when I read it. I tore it up and put it in the rubbish bin.

I believe that, rather than achieving the desired outcome, this bill would likely delay it. What makes this expensive and wasteful exercise all the more galling is that for the past seven years those opposite have been lecturing Labor about fiscal responsibility: those opposite, who are now overseeing a net debt of $296 billion, $77 billion more than it was predicted to be when Labor left office; those opposite, who have more than doubled last financial year's deficit from a projected $17 billion in their first budget to almost $40 billion now. And what hour did they choose to break the news that they had blown out the deficit? Close of business on a Friday. I will not digress to speak of all the announcements we have had from this government at close of business on a Friday, but let me just say this: as it was explained in the TV drama The West Wing, Friday is known as 'take out the trash day'. It describes a media management strategy where as much bad news as possible is released on a Friday in the hope...
it will get buried in the flood and because, it is alleged, fewer people read the papers on a Saturday.

Labor are willing to take a cooperative approach to budget repair, but we are not going to be lectured by a government that tells us we need to tighten our belts and then proposes to waste over $170 million to outsource a decision that should be made by this parliament. We believe in budget repair that is fair, but those opposite have their priorities all wrong. Spending $170 million or more on a non-binding national opinion poll is clearly the wrong priority. At the same time, this government is doing almost nothing to crack down on multinational tax avoidance, overly generous superannuation concessions for those on high incomes, or negative gearing. Despite trying to make the most vulnerable and disadvantaged people in Australia do the heavy lifting on budget repair, this government wants to waste $170 million on a non-binding plebiscite.

We were led to believe, when Mr Turnbull rolled Mr Abbott for the prime ministership, that we would have a different approach to leadership; that Mr Turnbull would have the courage of his convictions and pursue those issues that he truly believed in—like real action on climate change, like an Australian republic and like marriage equality. Instead, we got a continuation of Mr Abbott's policies, but with a slightly better dressed salesman. The really embarrassing reality for Mr Turnbull on the plebiscite is that it is not his policy; it is Mr Abbott's policy. As I said, it is an expensive and wasteful delaying tactic cooked up by the conservatives in the Liberal Party to delay marriage equality.

We know from statements prior to becoming Prime Minister that a free vote in parliament would be Mr Turnbull's preferred approach. But, as with so many other issues, Mr Turnbull has had to roll over to the right wing in his party. He has had to forfeit his convictions in exchange for their support for his leadership. It has left so many Australians looking at last year's leadership coup and scratching their heads thinking, 'What was that all about? What was the point of Mr Turnbull becoming Prime Minister? And who is the real Malcolm Turnbull anyway?' Mr Turnbull may claim to have won the election, but, in the words of former Treasurer Peter Costello, Mr Turnbull's government is 'in office but not in power'. We saw an example of that when the government's so-called workable majority in the House of Representatives crumbled in the first week of parliament. Despite his narrow win in the last election, Mr Turnbull was severely wounded. He does not command the authority within his party to lead it. Instead, he is letting his party lead him. If he had the courage and the authority to lead his party to stare down the conservatives, then he would be bringing on a free vote instead of pursuing a wasteful and expensive plebiscite that he does not really support. But, like an old book that is falling apart, we all know Mr Turnbull has lost his spine.

Not only is the plebiscite a waste of money but it will serve as a platform for hateful and divisive comments that call into question the legitimacy of same-sex relationships and the legitimacy of families with same-sex parents. Australian Marriage Equality, in a fact sheet on the plebiscite, has pointed out that this is the experience in marriage equality votes overseas. Research into US states that held referenda on marriage equality found that amongst LGBTI communities there was a 37 percent increase in mood disorders, a 42 percent increase in alcohol use disorders and a 248 percent increase in generalised anxiety disorders. At the same time as these states experienced an increase in mental health issues, there were no significant impact on the mental health of LGBTI people in states that achieved marriage equality.
without a statewide poll. So the fact is: no matter how hard you try to achieve a respectful
debate marriage, equality referenda and plebiscites serve as a platform for anti-gay hate
speech.

There is a very real concern about the implications that this could have for the mental
health of LGBTI Australians if the Turnbull government's proposed plebiscite goes ahead. As
Dr Patrick McGorry observed in a recent press conference:

We know when these campaigns are held in the public domain, like in the US and in Ireland, the risk
does go setUp. There is evidence to support that, so this is a dangerous thing to be doing to actually give
a free rein to this sort of debate. It will harm peoples' mental health, there is no doubt about that.

So if the no case in a marriage equality plebiscite can restrain themselves from hurtful
comments—comments which call into question the legitimacy of people's families and
relationships—then why on earth do they need to suspend provisions of anti-discrimination
legislation, as some have requested?

Yet, this bill is not only offering a platform for such hurtful and discriminatory comments
but proposing to fund it with taxpayers' money. Struggling Australians are justified in asking
why they are being called on to make sacrifices in the name of budget repair when this
government wants to spend over $170 million on an opinion poll. If the government had their
way in their first budget, pensioners would have had their pensions cut by $80 a week,
university students would be paying up to $100,000 for a university degree and unemployed
Australians would be waiting for six months to receive Newstart with nothing to live on but
fresh air.

Imagine what else the Turnbull government could do with $200 million if they abandoned
this folly. With $170 million you could run a community grants program and give $1 million
to every House of Representatives member to spend in their electorate. In fact, this is exactly
how the Stronger Communities Program operates. Scrapping the plebiscite would save
enough money to fund eight or nine rounds of Stronger Communities. Another use for $170
million would be to return the $115 million of funding this government has stripped from the
CSIRO, with plenty of change to spare. I have spoken many times in this place about the
government's disastrous cuts to the arts and the impact on the Australian economy and
society. One hundred and seventy million dollars would return about half of the funds
they have ripped away from the arts sector and restore much of the damage the government
have inflicted on our arts industry.

I have also spoken several times in this place about the dire situation facing Palliative Care
Tasmania in my home state and their community education program. A mere $2.3 million
would fund Palliative Care Tasmania's community education program for another four years
and another $100 million or so would be enough to role out the program nationally, vastly
improving the end-of-life care experience for thousands of Australians. Also in my home state
of Tasmania with just over half the cost of the plebiscite the government could restore the
$100 million they cut from funding to the upgrade of the Midland Highway or restore the
Gonski funding to Tasmania for the 2018 and 2019 school years. So there are lots of things
we could be doing with that money.

How can those opposite convince the Australian people of the need for an expensive
taxpayer-funded opinion poll when they themselves are divided on the details? We have heard
that Senator Brandis, the Attorney-General and minister who has carriage of this issue, was
rolled by the conservatives in the cabinet on the issue of public funding. Senator Paterson recently said quite openly in a doorstop that he did not think that either side should be funded and that he did not believe taxpayers should be running political campaigns. And Senator Smith has said he would either abstain or cross the floor on this plebiscite bill—not to mention those like Senator Abetz who have mentioned that, no matter the result, they will not be bound.

I reject the argument by those opposite that the plebiscite represents a pathway to achieving marriage equality, because it clearly does not. If the plebiscite was the best, or the only, way in which marriage equality could be achieved then we could have a debate about whether it is worth the expense; but it is not. If the plebiscite was a viable pathway to achieving marriage equality then it would be overwhelmingly embraced by the LGBTI community; but it is not.

Dianne Hinton, the national president of Parents and Friends of Lesbians and Gays, said:

The notion that our families will become a national discussion, something to be judged by strangers, to us is appalling.

And it is to me too. A joint statement of over 50 LGBTI representative groups had this to say on the bill that we are currently debating:

Our expectation has always been that should a plebiscite proceed, parliament would ensure a fair and reasonable plebiscite process that recognises the impact of this national conversation. Unfortunately, the plebiscite machinery legislation now presented by the government is neither. Indeed it is unfair, unjust and unworkable—

The groups then went on to provide the following concerns about the government's plebiscite approach—

- No government amendments to the Marriage Act have been provided as yet, nor are they guaranteed to come into effect following a successful Yes vote. It is unreasonable to expect the community and the parliament to vote on a plebiscite without first seeing the detail of what will be enacted upon a successful vote.

- It is unacceptable to use $15 million of tax-payer dollars to fund the YES and NO committees, adding to the already extraordinary cost of the plebiscite. The proposal requires no truth-in-advertising test, yet will be seen as being endorsed by the Australian Government.

- The Government's bill will create an uneven playing field. Religious organisations already enjoy a range of tax benefits and concessions denied to other entities. Few LGBTI organisation have comparable tax deductibility status. Limiting tax-deductible donations to $1500 for individuals will exacerbate this unfairness.

- The question is unnecessarily complex and the wording 'same-sex' fails to be fully inclusive of all LGBTI relationships. Media reports that the question has been crafted to improve the chances of a 'no' vote are troubling.

- The plebiscite package provides no strategies or funding to address the considerable concern about the impact of the plebiscite on LGBTI communities, our families and friends. We have already seen reports of LGBTI Australians distressed.

Given this—

all of the above—

we call on parliament to vote down the plebiscite machinery legislation.

This statement was supported by groups such as Australian Marriage Equality, Working it Out, the Sydney Gay and Lesbian Mardi Gras, and the National LGBTI Health Alliance. So
if, as this government and particularly Attorney-General Senator Brandis would have you believe, a $170 million taxpayer-funded opinion poll is the best path to achieving marriage equality in Australia then why is it overwhelmingly rejected by the LGBTI community?

In support of the plebiscite we hear arguments that the Republic of Ireland went through a national vote on this issue. But that was a binding referendum not a non-binding plebiscite, and they went through it because it was legally necessary for them to do so in order to achieve marriage equality. Like the exercise in various US states, it served as a platform for hurtful, discriminatory and divisive comments. But, unlike here in Australia, it was necessary to go through the exercise in order to get the job done.

The number of members and senators in this parliament who have said they will not be bound by the result of a plebiscite just goes to show what a wasteful exercise it is. As Justice Michael Kirby pointed out, referring the issue of marriage equality to a plebiscite is 'simply an endeavour to delay or defeat the measure.' Justice Kirby said that the government's proposed plebiscite creates a dangerous precedent in Australia where parliamentarians avoid making decisions on controversial issues and refer them to an expensive popular vote instead.

While Justice Kirby makes a compelling argument for parliament to get on and do its job, another who has made the argument well is the government's own Senator Smith. As I mentioned before, Senator Smith has signalled his intention to cross the floor on this bill. Senator Smith said that the plebiscite proposal is:

… a willing admission by some that an institution which has served the nation well for 115 years is suddenly, on one issue alone, not up to the job.

Now, I ask these couple of questions: did we have a plebiscite when the Marriage Act was passed in 1961? No, we did not. Did Prime Minister Howard call a plebiscite when he changed the Marriage Act in 2004? No, he did not. Over the past 115 years, 44 Australian parliaments before us have undertaken major economic reform, declared war, signed treaties and made many other decisions that have had a huge impact in shaping our nation—all without a plebiscite.

The last time we had a plebiscite on any issue was almost 100 years ago, and that was on the issue of military conscription. Back then we did not have the benefit of regular opinion polls to give us an insight into what Australians thought on particular issues. Yes, these polls are only a sample and have a certain margin of error. But when you have a series of them overwhelmingly producing the same result it is not unreasonable to draw the conclusion that a plebiscite is almost certain to produce the same outcome. We already know from poll after poll that Australians overwhelmingly support marriage equality, so what is one more poll going to tell us that the others have not?

Even so, I have a fundamental problem with popular opinion being used as a decision-making tool, especially when it comes to issues of basic human rights. That is why we have a representative, deliberative democracy, instead of being captive to popular opinion on every issue. As parliamentarians, we are elected to this place to make these decisions—not to outsource them. Of course, we will hold a national vote when there is a federal election, or when we need to change the Constitution, because it is legally necessary. But in our democratic tradition, parliament makes the decisions it is empowered to, because that is what the Australian people have elected us to do.
If Mr Turnbull truly believes in marriage equality, as he claims to, then all he has to do is bring on the vote—just bring on the vote. With a conscience vote allowed in the Liberal Party, the numbers are there in parliament to achieve marriage equality by the end of this year. So let's do our job right now. Let's end this wasteful, farcical exercise and reject the government's taxpayer-funded opinion poll. Let's get on with our job as parliamentarians, bring on a bill for marriage equality and vote for it. Let's embrace the future and legislate for marriage equality.

Senator CAROL BROWN (Tasmania) (20:44): I rise to speak on the Plebiscite (Same-Sex Marriage) Bill 2016. This bill represents a complete abrogation of our responsibilities as elected representatives. Instead of spending our time debating this bill, we should be spending our time considering any of the many bills that have already been brought before this and the other place and which would actually legislate for marriage equality, bills that would give us, as parliamentarians, the opportunity to do our job. Parliament is the place where the issue of marriage equality can and should be dealt with—it is incumbent upon us as elected representatives. But instead of granting a free vote to Liberal members, the Prime Minister continues to support a damaging and wasteful plebiscite on marriage equality. Instead of allowing the parliament to do its job, Mr Turnbull presses ahead with a plebiscite to appease the ultraconservative wing of his party. But what Mr Turnbull does not seem to understand is that those waging this crusade against the same-sex attracted and gender diverse members of our communities cannot be appeased. Instead they will continue to attack and marginalise LGBTI Australians, their families, their friends and their supporters.

To say that Mr Turnbull's approach to marriage equality is a farce would be an absolute understatement—it is a tragedy. Mr Turnbull has repeatedly failed to show any leadership on marriage equality, an issue he once claimed to passionately support. Mr Turnbull has said that he does support marriage equality, but it appears that that support is well and truly eclipsed by his political ambition. He has become hamstrung in trying to appease the conservative wing of his own party on this issue. Mr Turnbull has lashed out at those of us who have concerns about the tenor and nature of a no campaign. Mr Turnbull has tried to reassure us that Australia has nothing to fear from the plebiscite because the debate will be respectful and civil. However, anyone who has followed this debate would be well aware that Mr Turnbull cannot even guarantee a respectful debate from his own party room. The comments and arguments that have been put forward by marriage-equality opponents in this place should give some indication of exactly what is to come if the government's planned plebiscite goes ahead.

The debate about the Safe Schools Program has already given us a bitter taste of the hurtful and damaging arguments that we can expect to see. The damage caused by a taxpayer funded no campaign in a marriage equality plebiscite would be significantly more devastating. PricewaterhouseCoopers examined the impacts of the proposed plebiscite and warned that it would do more harm than good, leading to high levels of social tension, discrimination and mental health and mood disorders, and would cost taxpayers and business far more than previously understood. In all, PricewaterhouseCoopers estimated that the cost to the economy would more than likely be around $525 million in direct expenses and lost production. The CEO of PricewaterhouseCoopers, Luke Sayers, described the plebiscite as:

... a massive waste of time and money that will remove focus on the economy, growth and jobs which is the real priority for Australia.
The fact that this government has agreed to provide taxpayer money to fund the public campaigns means that the government not only is providing a platform for bigotry but also is now proposing to fund it.

The emotional impact of a plebiscite would be truly immeasurable. The true cost would not be counted in dollars. It is exactly for this reason that the LGBTI community, their families and their supporters have called on us to oppose the plebiscite. After receiving material from the group Marriage Alliance, one Tasmanian wrote to me urging me to oppose the plebiscite, saying: I've been dealing with this kind of hurtful and offensive material for over 50 years but, even so, I am not immune to being hurt by it. And I really fear for young people today who are confronted by this ignorance and hatred.

No-one should have to endure a national debate on the validity of their relationship, on the worth of their love. And, most significantly, it is not necessary. None of it needs to happen, because the federal parliament has the ability to deal with this issue. The power is here. The means are here, with a couple of bills in this and the other place. But what is clearly lacking from the government is the will. If the Prime Minister had the courage—if he stood for anything other than his own personal and political self-interest—then he would grant a free vote to his party room and lend his support to a bill for marriage equality. Mr Turnbull has the power to stop all of this. Mr Turnbull has the power to abandon plans for this plebiscite, to do something that would go a long way in curtailing the rise of damaging and outright offensive debates on issues facing gender diverse and same-sex attracted Australians, which has been shockingly exacerbated under Mr Turnbull's leadership.

It is time for Mr Turnbull to recognise that this debate is not about him; that his leadership is not the central matter here—at least, it should not be. At the heart of this debate is love and the equality of the love of all couples, regardless of gender. At the heart of this issue are people like Melinda who recently shared her story with parliamentarians. She wrote: I have served my community as a police office for 28 years. But I am not seen as an equal in my nation. My four sisters are married; I am not. The only reason is because I am gay. Marriage equality is about human rights. It's about treating all love as equal.

Eddie and his family visited Parliament House with Rainbow Families. Eddie asked: Why should people who barely know us make an assumption on our families and vote on how we can live?

Eddie was one of 27 children from Rainbow Families who came to Parliament House to lobby parliamentarians to legalise marriage equality and block the plebiscite, which they argue would harm their families. As Co-Chair of Rainbow Families Ashley Scott explained: Rainbow Families oppose a plebiscite because we know what the impacts will be, both for our families and for vulnerable people in our community. We elect our politicians to be decisive and to act in the interests of all Australians a plebiscite is a political fix that will do harm and put lives at risk.

Calling for parliament to deal with this issue should not be at all a controversial proposal. This should not be a shocking proposal. It should not be a stretch to say that we in this place should do our jobs, do the very thing we are elected to this place to do: debate and consider legislation and then vote on it. Marriage equality is an important issue but not one that is more complex than many of the other issues that we consider in legislation on a regular basis. The only complexity here is Mr Turnbull's attempts to manage his own party room. The
government's expensive plebiscite proposal is nothing more than an attempt to delay the reform.

When Mr Turnbull seized the leadership of the Liberal Party, there was a considerable optimism that Australia now had a prime minister who would listen to the community on marriage equality. I have to say I was one of those people. I was optimistic that Mr Turnbull would listen, that he would be a prime minister who would listen to the tens of thousands of people who have joined in rallies across the country, have shared their stories, their lives and loves, like the thousands of people who have contacted those us in this and the other place through Australian Marriage Equality's Equality Calling campaign.

While the voices of these people might have been ignored by the government, I want to make sure that at least some of them get heard in this place. I want to share some of the messages that Tasmanians have left me so they are recorded in the Hansard of this place. These are the voices of gender-diverse and same-sex-attracted Australians, their families, their parents, their children, their friends, their co-workers and their neighbours.

A caller told me:
I believe that same-sex marriage is a human rights issue.
I grew up in a big Catholic family. Of six children two of us were gay. All my brothers and sisters are now married. They wish the same for me.
My gay brother sadly died at the age of 34. He experienced a great deal of discrimination during his life as a result of being gay. All he wanted was true love—he wanted to be happily married.

A parent said:
I have two beautiful daughters. One can get married whenever she wants to and one can't. I want to see equality come in as soon as possible and let my daughters decide when and where they want to marry. I don't want them not being treated the same. I have raised them to be beautiful people and I want them to be able to go and be with the person they love.

Australians have a deep-rooted belief in fairness and equality and this is clearly at the heart of their support for marriage equality, like the caller who argued:
Australia should respect all our citizens whether they are gay, lesbian, straight, black, white, Muslim, Christian, whatever. Equality is about everyone having the same rights including having the opportunity to demonstrate their love and get married.
So please vote for marriage equality to give people the opportunity to demonstrate and share their love the way that most Australians can.

Another caller reasoned:
It is about time Australia followed in the footsteps of so many other countries like ours and gave all Australians the same opportunities in life, including the chance to marry and raise a family.

It is about love and fairness. I believe my love is the same as anybody else's.
These are just a few of the many voices from my own community who have stated their support for marriage equality.

In addition to the thousands of individuals who have made calls to express their support for marriage equality, hundreds of organisations have pledged their support to equality through Australian Marriage Equality. The open letter from Australian business leaders in support of Marriage Equality in part said:
We support diversity in the workforce and recognise the rights of our lesbian, gay, bisexual, transgender and intersex (LGBTI) employees to live and work, free of prejudice and discrimination, with all the essential freedoms enjoyed by other members of our organisations and the broader community.

The letter went on to say:

An equitable society, free of discrimination, also allows all employees to function at their best. Australia is a robust democracy however, we support seeing it treat all its citizens equally.

Legalised discrimination in one area allows discrimination to flourish in all areas.

The letter concludes:

We support the right for all our employees to have equal opportunities in life. We therefore support marriage equality.

This open letter has been signed by hundreds of Australia's business, industry and sporting leaders, and yet even their voices are being ignored by this government.

In another open letter to the Prime Minister more than 40 leaders have urged him to pursue a free vote in parliament. These religious leaders asked Mr Turnbull to drop plans for a plebiscite as they believe it will polarise the community and 'alienate LGBTI individuals within religious communities'. In relation to the impact of a plebiscite on gender diverse and same-sex attracted Australians, the letter stated:

After decades of legalised discrimination, and ongoing social stigma, LGBTI Australians will face an angry, drawn-out debate, one likely to multiply existing disadvantages and stigma.

Everyone, it seems, knows that a plebiscite will be divisive, harmful and an obscene waste of money. Everyone knows that the correct way to deal with the issue of marriage equality is through a bill in parliament. That is, it seems, everyone but those opposite. Instead, those opposite cling to this idea of a plebiscite as a way to protect Mr Turnbull.

As a result, Australia is in the shameful position of being isolated on the issue of marriage equality amongst countries with English as a first language. Globally, more than 20 countries have passed laws to bring about marriage equality—countries that are culturally and economically similar to ours, like New Zealand, the United States of America, Canada, and Great Britain. Australia has long missed the opportunity to be a world leader on the issue of marriage equality. We have missed the opportunity to move with other countries. It is time for us to take action to end our shame in continuing to uphold discrimination against gender diverse and same-sex attracted Australians. We do not need this plebiscite. We need a free vote in parliament.

Organisations and leaders of the lesbian, gay, bisexual, transgender and intersex communities have issued a joint statement on the plebiscite, calling on the Australian parliament to ensure that every Australian is able to marry the person they love in the country they cherish. The statement sets out the groups' support for a parliamentary vote on the issue of marriage equality:

Our shared goal is simple—we want marriage equality as soon as possible at the lowest cost. The most efficient and effective way of achieving marriage equality is a vote in Parliament, a power confirmed by the High Court in 2013.

I have a number of other quotes I would have liked to have read into the Hansard, but my time is running out, so I will take up the last few minutes that I have to say this to the
government: it does appear that the votes will be there to vote down the plebiscite bill. I hope that is what happens at the end of this debate.

I also say to the government that gay activists, parents and friends of lesbians and gay people—the broader gay community—and most Australians will be looking to the government after the plebiscite bill is voted down. They will be looking to the government to provide the leadership that should have been provided a long time ago. They will be looking to people that say they support marriage equality. They will be looking at Senator Brandis, who is part of the leadership team and who supports marriage equality. Senator Brandis, they will be looking to you to say: 'The ball is back in your court. Do not let us down. Let's debate the legislation in this parliament. Go back into your caucus and go to bat for our community.' That is what they will be expecting and that is what I hope will happen.

I hope, when this bill is voted down, that Mr Turnbull will decide to lead, that Senator Brandis will go back into his caucus and say, 'We tried to put this plebiscite bill through. We couldn't do it, but now it is time for us to take the lead and bring legislation into the parliament for marriage equality and deal with it there.' That is what is being expected of you. That is what is being expected of this government: they cannot say to the community that they support marriage equality but refuse to act. After this bill is voted on, it will be back in their court. There are thousands and millions of people counting on the government to do the right thing, to end the discrimination, to bring a bill into parliament that will give marriage equality to our LGBTI community.

Again, I say to the government: do the right thing. Provide the leadership that people expect of you and bring a bill for marriage equality into this parliament for debate. (Time expired)

Senator HINCH (Victoria) (21:04): I am not going to stand here tonight and reiterate the arguments that have been put so eloquently in recent hours, recent months and even years by people with a far more personal interest in same-sex marriage than I have. All I will say is that I, too, believed that marriage was something between a man and a woman because it just was, you know? That is, until about 10 years ago, when I actually listened and heard the selfish, blinkered hollowness of my argument.

Today I want to talk specifically about the plebiscite and why I am proudly voting against it. Also, why a plebiscite is the wrong way to bring about what should be a right: the right of two Australians to marry no matter their gender, and the right for a same-sex couples married legally overseas to have that union recognised in their own country. This plebiscite was cobbled together after that marathon coalition crisis meeting. It was a word that millions of Australians had never heard of. To steal from the late Jim Killen, 'plebiscite' could have been the name of a horse running in the fifth race at Rosehill.

At the time, it was opposed by some of the leading lights of the Liberal Party. It was opposed by the member for Wentworth, who would go on to replace Tony Abbott as Prime Minister, and by the now government leader in the Senate, Senator Brandis. And they were right. We do not have plebiscites on every other bit of legislation. We did not have one on the omnibus bill that popped up in the last session. They are not talking about a plebiscite, but they are trying to get us to vote their way for the troubled ABCC.
As for the argument that the people must have the right to decide on such an issue, even when legalising same-sex marriages will not personally affect them, where was that furphy when Prime Minister Howard tightened the Marriage Act back in 2004 to specify that marriage could only mean:

… the union of a man and a woman to the exclusion of all others, voluntarily entered into for life.

and that overseas marriages would not be recognised in this country?

Mr Howard was adamant that it was the duty, the responsibility, of elected politicians to make that decision, and the Labor Party agreed. Mr. Howard was very specific about our duty. He said:

We've decided to insert this into the Marriage Act to make it very plain that that is our view of a marriage and to also make it very plain that the definition of a marriage is something that should rest in the hands ultimately of the parliament of the nation.

… not over time—

his words—

be subject to redefinition or change by courts. It is something that ought to be expressed through the elected representatives of the country.

That is us. That is you and that is you and that is me. The High Court agreed. That is one reason why we will vote against the plebiscite.

The other reason, which has been raised by a lot of people, is the obscene cost. They said $160 million. The latest guesstimate is about $200 million. Some bean counters now reckon it will go over $400 million. Who knows? Not to mention the 15 million bucks of taxpayers' money for the yes/no campaigns. Let's say it is only—only—$160 million. By voting this legislation down we save a heap of money. I have a better idea, seeing that the government has already budgeted to spend it. The plebiscite, we are told, is all about love, relationships, commitment and quality of life. So let's use that money—$160 million—for a royal commission into the Family Court, child welfare agencies and foster care across this country—a commission with the ultimate goal of a new federal child protection agency, because, I tell you, such an inquiry is desperately needed. But whatever happens to those saved millions, I urge the Senate to vote this legislation down. Do your job and hope it is the first step to a free vote in the House of Representatives. Who knows? If they do their job, as Prime Minister Howard so eloquently put it, we could be seeing gay marriages for Christmas.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (21:09): At some time or another over the past three years, the leaders of every major political party in Australia turned their minds to the question: how should the issue of marriage equality be dealt with? And at different times every single one of them arrived at the same answer: by a plebiscite, as the best way of engaging the whole of the Australian community in what everybody accepts would be a profound social change.

In 2013, Mr Bill Shorten, the Leader of the Labor Party, said that he supported dealing with this issue by a plebiscite. He said:

Personally speaking, I'm completely relaxed about having some form of plebiscite.

He went on to say that in terms of a plebiscite:
I would rather the people of Australia could make their view clear on this than leaving this issue to 150 people. So whatever Mr Shorten might now say against a plebiscite, one thing we know for sure is that he has no objection to it in principle. Similarly, as recently as last year, the Leader of the Greens, Senator Di Natale, said that he supported a plebiscite. Indeed, Senator Rice and Senator Xenophon sponsored legislation for a plebiscite in this very chamber only last year. And also last year in the coalition party room, after a long and thoughtful debate, the coalition parties decided that they, too, thought that there ought to be a plebiscite. So every side of politics, from the most conservative side of politics to the radical Left, both mainstream parties—the Liberal Party and the Labor Party—had all decided that the right way to deal with this matter was to deal with it by a plebiscite. So, this year, the government took that policy to an election. Nobody can deny that it was an issue in the election campaign, particularly in the final week. We won the election and we intend to deliver on our promise to the Australian people to deal with this issue by a plebiscite—but for the fact that, in one of the more cynical exercises in politics that I have ever seen, the Labor Party has now decided to play the politics of the issue rather than progress the very course of action that is a plebiscite that Mr Shorten said only three years ago that he was supportive of.

Support for a reform of the Marriage Act to give same-sex couples the right to marry is at an all-time high in this country. More than two to one of the population favour it. There is hardly an electorate in the country in which there is not a majority in favour of change. So the one thing we know in this chamber—every one of us: those who support the plebiscite and those who oppose it—is that, if there were to be a plebiscite on 11 February, as the Plebiscite (Same-Sex Marriage) Bill 2016 provides for, it would be carried, and we would have marriage equality within three months. The Australian Labor Party went to the last election promising that, if they were to be elected, there would be marriage equality within 100 days. It is 96 days from today until 11 February. If this bill were to be passed by the Senate tonight then we would have marriage equality in this country in less than 100 days. Yet the Labor Party and the Greens and some on the crossbench have conspired to make sure that that does not happen. I say again to the Labor Party and to those that have decided to play the politics of this issue rather than seek the outcome which they claim to believe in: stop playing politics with gay people's lives—because that is all that you are doing. Stop playing politics with gay people's lives, get out of the way and let us have the plebiscite that would deliver marriage equality within less than 100 days.

I want to deal with some of the intellectually dishonest and spurious arguments that have been made against the plebiscite by those opposite. But, before I do, let me deal with the one respectable argument that has been made against it—by my friend Senator Dean Smith. As those of us who know him know, Senator Smith is a constitutional conservative and he is a man of integrity. He is of the view that because resolving an issue of this kind by a plebiscite is constitutionally unorthodox or unusual it sets a dangerous precedent and it is not something that we ought to sanction. But I say to Senator Smith that there is something unique about this issue: no-one can say that any individual who sits in this chamber or in the other house has any greater insight into, investment in or appreciation of what a marriage means than any other citizen of Australia. If ever there was an issue that is not an issue for the political class, an issue in which every member of society is entitled to have a view and an issue in which every member of society has an equal stake and equal ownership, then surely it is this. And
that is why I respectfully demur from the view of my colleague and friend Senator Dean Smith. But at least he has a principled argument, which is more than can be said for those opposite.

Let us look at the arguments that have been raised in opposition to the plebiscite to give a cover, a veneer of sincerity, to what is a deeply cynical exercise in playing politics with gay people's lives. First of all, unbelievably, the Labor Party—of all people—counsel fiscal prudence and say that this plebiscite would cost too much money. The estimate is approximately $170 million. Australia pays more than that every four days in interest on the debt the last Labor government left us, so I do not think we will be taking lessons in fiscal rectitude from the Australian Labor Party.

And then there is the argument that the result of a plebiscite would not be binding on the parliament. And that is true. But what that argument entirely leaves out of account is the fact that almost every conservative member of the coalition, from Mr Tony Abbott down, who is opposed to changing the Marriage Act has declared and publicly undertaken that, if there were to be a yes vote in the plebiscite, they would either vote for it in the parliament or they would abstain. So, were there to be a yes vote, as surely there would be, there is no doubt whatsoever that the marriage reform bill would pass. There would be more votes for it after a plebiscite than there would be for such a bill today. So the argument that the plebiscite result is not binding is a spurious argument. If you care about this issue, you care about the outcome; you do not sacrifice the end to the means.

But what underlies the Labor Party's real outlook was given away by many of their speakers. I heard Senator Catriona Bilyk's speech and this is what she said: 'I have a fundamental problem with popular opinion being used as a decision-making tool.' It is almost unbelievable to hear that said, isn't it, in a democratic chamber—'I have a fundamental problem with popular opinion being used as a decision-making tool.' Well, we in the Liberal Party, we in the coalition, do not have a problem with heeding popular opinion or regarding popular opinion as something that ought to instruct us in our decision making. In fact, that is what democracy is all about. Underlying the Labor Party's—and the Greens'—opposition to the plebiscite is the kind of sneering Left elitism that says the Australian people cannot be trusted to have a decent debate, the Australian people cannot be trusted to have a civilised respectful debate about a vexed social issue. Well, I do not share that pessimism about the decency of the Australian people.

Nor, by the way, was that the experience in Ireland, where there was a referendum, a popular vote, to change the Irish Constitution to allow same-sex marriage. In the last few months, I have had quite a lot to do with Mr Tiernan Brady, who ran the campaign for the yes vote in Ireland and has come to Australia to run the campaign for marriage equality in this country. I have a great deal of time and respect for Mr Tiernan Brady. This is what Tiernan Brady, a gay man, said about the Irish experience:

The referendum was an astounding and unifying moment for our country. In the Irish experience, a plebiscite is difficult, but our experience is that it also brought great rewards and it created a visibility of LGBT people and their families. It allowed the great cultural change in Ireland that flowed from the vote. It was a real moment of joy for the entire country.

That was the evidence of Mr Tiernan Brady, who is in a better position than anyone else to know the nature of a plebiscite.
If Mr Brady's observations about the Irish experience are not to be taken seriously, hear the words of a former American ambassador, His Excellency John Berry, the first gay American ambassador to Australia. Mr Berry said:

I think Ireland is a great example to look at where they had recently a plebiscite that was conducted very respectfully ... One of the LGBTI leaders from Ireland in fact is in Australia—

right now and made this very point that their plebiscite actually helped bring their country together on the issue. A plebiscite does not have to be a divisive technique.

It's part I think of your national ethos that everybody deserves a fair go. And we have certainly been given our fair go by everyone we've met in Australia in every state by every leader—

speaking of himself and his partner, Curtis.

So I certainly believe however Australia decides to move forward on this issue it will be done with great respect. I think Australia's one of the most rational countries in the world. You handle debate and discussion better than anybody quite frankly.

So there is the evidence of two well-placed foreigners: Tiernan Brady, who ran the campaign in Ireland; John Berry who represented the United States of America in Australia for the past four years. That is their judgement of, in Mr Brady's case, what it meant for Ireland and, in Ambassador Berry's case, what it would mean for Australia, as an observer with an acute interest in the issue.

But let us take at face value what the Labor Party say. Their speakers have said: 'We have a great deal of concern that harm would be done to gay people and their families by this debate.' If that is so, why do you want to prolong it? If you are concerned that this debate will cause harm to gay people and their families, why do you want to prolong it indefinitely? If that is your concern, why would you not bring it to a close? Why would you not bring it to a close in fewer than three months and have it over and done with? Because, as a result of the course that they are forcing upon this chamber, those opposite are prolonging what they say is a divisive, hurtful and harmful debate potentially for years and years to come. If that is what you do, let that be upon your head.

But we really know what is the motive of the Australian Labor Party in opposing the plebiscite that only three years ago their leader supported. Caroline Overington, the journalist, put it very well in an article in the Weekend Australian on 3 September this year. This is what Caroline Overington had to say:

Shorten seems to have decided that he would rather play games with people’s lives. And why? Because Labor is ashamed of the fact it didn’t bring it in when it was in office; and now the party is trying to go back in time. Labor wants to claim this victory as its own.

They are annoyed that it was Malcolm Turnbull who managed to get his party to agree to a plebiscite; and took that policy to the electorate; and got a mandate for it.

Will Shorten really put politics—point scoring—ahead of the right of Australians to have their moment—

their 'unifying moment', as Mr Tiernan Brady described it. I am very sorry to say that the answer to that question is yes. Mr Bill Shorten, Mr Mark Dreyfus and Senator Penny Wong cannot bear the thought that, while they in government did nothing to progress this issue for
six years, at last we have a Prime Minister, a Liberal Prime Minister, who has progressed the issue. The truth is that Malcolm Turnbull is the first Australian Prime Minister to come into office with a commitment to marriage equality—the first. When Kevin Rudd was elected in 2007, he was opposed. He changed his mind later, but he was opposed and on his watch did nothing to progress the issue. When Julia Gillard came into office in 2010 she was opposed as well. No Labor Prime Minister has ever lifted a finger to progress this issue. In fact, every Labor Prime Minister has stood in the way. The first Prime Minister of Australia to progress the issue, to put marriage equality in the tangible reach of the Australian people, is Malcolm Turnbull.

I am very proud to be the first Attorney-General to serve in a government that has progressed the issue and the first Attorney-General to bring to the chamber a bill, the Marriage Amendment (Same-Sex Marriage) Bill, as an exposure draft, to show how that would be achieved. But it will only be achieved if we have the plebiscite—the plebiscite which only three years ago Mr Shorten said he supported, but only last year Senator Di Natale and Senator Xenophon and others on the crossbench said they supported.

So here we are. We are a minute away from the vote on the second reading of this bill. If this second reading is defeated, then the cause of marriage equality in this country will be delayed for years. If this second reading vote is supported, then we will have plebiscite in 96 days time. We all know what the outcome of that plebiscite will be and we will have marriage equality in this country by February. The choice is yours. The choice lies in the hands of those who have it in their power to give Australia marriage equality within less than three months or to delay it for years to come, because I say again: a vote against this bill is a vote against marriage equality. Those who claim to believe in marriage equality but nevertheless, for their own cynical, game-playing reasons, are determined to vote against it should hang their heads in shame.

The PRESIDENT: The question is that the bill be now read a second time.
The Senate divided. [21:33]
(The President—Senator Parry)

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

AYES

Back, CJ
Brandis, GH
Bushby, DC (teller)
Cash, MC
Culleton, RN
Fawcett, DJ
Fifield, MP
Hume, J
Leyonhjelm, DE
McGrath, J
Nash, F
Parry, S
Reynolds, L
Ruston, A

Birmingham, SJ
Burston, B
Canavan, MJ
Cormann, M
Duniam, J
Fierravanti-Wells, C
Hanson, P
Lambie, J
Macdonald, ID
McKenzie, B
O'Sullivan, B
Payne, MA
Roberts, M
Seselja, Z
I rise to speak to Appropriation Bill (No. 1) 2016-2017 and related bills. Appropriation bills are an important feature of our system of democracy. They are a mechanism by which the parliament approves government spending. They are a reminder of
the government's accountability to the parliament. They display government's priorities, and they provide insights into a government's fiscal performance.

So, given all of the government's talk about the importance of budget repair, it is worth looking at the facts about how they have gone. So far, since the 2013 election, net debt has ballooned. The 2013 Pre-election Economic and Fiscal Outlook confirmed that net debt was $184 billion. The 2016 budget papers show that it has now blown out to $326 billion this year. The Abbott-Turnbull government's first budget projected a deficit for 2016-17 over $10.6 billion. Now the government says that it will rise to $37.1 billion this year. It shows that all of their rhetoric is just that—rhetoric. Then, at the end of September, they released the 2016-17 final budget outcome. This is a government that usually loves delivering long lectures about debt and deficit, but there was none of that when the final budget outcome was released. They waited for a quiet Friday afternoon in the hope that no-one would notice this moment—a moment when their rhetoric was once again deflated by the cold reality of the numbers.

What were those numbers? In the 2013 Pre-election Economic and Fiscal Outlook, the 2015-16 budget deficit was estimated to be $4.7 billion. The Abbott-Turnbull government's first budget predicted a deficit of $17.1 billion for 2015-16. The final budget outcome for 2015-16 showed that the deficit was in fact $39.6 billion. That is over eight times the deficit predicted in the 2013 PEFO. The difference between these numbers is staggering for a government that claim to be getting spending growth under control. The government may have hoped that no-one would notice the release of the final budget outcome for this year, but we did notice and we know that the Australian people noticed and see them for what they are—a government unwilling to own their own failings and a government whose own rhetoric is at odds with reality.

In contrast to the government's empty rhetoric, Labor have led the conversation on fiscal responsibility and budget repair. We have put forward sensible policies to repair the budget and to repair it in a way that is fair to all Australians. We have led the debate on superannuation tax reform, on cracking down on multinational tax avoidance and on tobacco tax reform. We have done this with sensible proposals that improve the bottom line.

In September we worked with the government to reach agreement on the Budget Savings (Omnibus) Bill. The government's bill as introduced was estimated to deliver savings of just under $6 billion over the forward estimates. We negotiated with the government so that the new policy package delivered more savings—$6.3 billion over the forward estimates. But, just as importantly, the revised package was fairer. The revised package protected ARENA, the child dental benefits schedule, Australians with serious mental illness and vulnerable Australians on Newstart. That is the approach to budget repair that Labor bring and that a Labor government would bring—sensible decisions, sometimes difficult decisions, but always fair decisions.

There is no greater contrast to our approach than the government's company tax cut for the big end of town. This is a $50 billion promise to deliver tax cuts to big business, including billions to the big banks, for very little in return. At a time when Australia's AAA credit rating is under threat, it is an astonishing thing around which to frame a budget. That this was billed as the centrepiece of this year's budget shows exactly where their priorities are. And, yet, the list of those who have questioned the value of a company tax cut just keeps growing. They
include the Grattan Institute, the Australia Institute, Peter Martin, Ross Gittins, Michael Pascoe and John Hewson. Even Peter Costello has been less than effusive.

During the last election campaign, the Economic Society of Australia surveyed a panel of distinguished economists. They were asked whether it was better to invest this money in schools or in cutting company tax. Almost two-thirds said it was better for growth for the money to go to schools. That is, around two-thirds of some of this nation's top economists said that there were better things to do with this money than to throw it away on company tax cuts. Even Goldman Sachs analysis queried the merits of a company tax cut. A Goldman Sachs research note is reported to have found that it is likely that 60 per cent of the benefits of a company tax cut would go to offshore investors. When even Goldman Sachs is questioning your tax cut, you should know that it is time for a rethink.

The company tax cut will be a further windfall to those multinationals that are already evading tax. It will not be a windfall for Australian investors, who, because of our dividend imputation system, can already access franking credits for taxes paid by companies. This ever-growing line-up of people and bodies questioning the company tax cut shows starkly how this government takes senseless ideology to a new level. This is from a government that loves to divide Australia, with its talk about 'lifters' against 'leaners' and the 'taxed' against the 'taxed nots'. It is a government that has just redoubled its efforts to cut paid parental leave. It is a government that wants to make it harder for the new parents of this country to take time off to look after their kids and yet can find money to hand out tax cuts to big companies.

By contrast, Labor are a party of serious tax reform. We support tax cuts for small business because we support tax relief that is targeted, effective and responsible in the current budgetary environment. So we call on the government to ditch their wasteful tax cuts and to support our more sensible approach. We are also a party that are prepared to support tax reform that helps the budget and is in the interests of the community. Our policy on tobacco tax was quickly adopted by the government. We have also led the debate on superannuation tax reform. We have led the debate on closing multinational tax loopholes. And we have led the debate on tax reform to help even the playing field for Australians wanting to own their own home.

We have recently had the Treasurer finally acknowledge that housing affordability might actually be an issue for Australians. But he had no real solutions. He came out and said that housing affordability might be an issue and that the states and territories might have to do something about it. I can report that, in the ACT, Labor is already doing the hard work on this issue and that there was no support from the Treasurer or the Prime Minister. Labor made the decision to implement difficult tax reform, shifting from stamp duty to land tax. This was to, amongst many things, ease the burden on home buyers. Earlier this year, the Prime Minister suggested that states should consider reforms just like this. You would have expected him to have given some credit to the ACT government, to have praised the work that they are doing. But, of course, he fell silent as the Canberra Liberals rolled out yet another scare campaign against these reforms.

The ACT Labor Party has made the tough calls. The Australian Labor Party have also made those tough calls. We put forward a policy to limit negative gearing to new properties going forward and to reform the capital gains tax discount. These were tough decisions, but decision that will stimulate new construction and remove unfair disadvantages faced by
homebuyers—another example of budget repair done in a way that prioritises fairness. We are streets ahead of a Treasurer who has belatedly entered the debate only to lecture the states and territories and a Prime Minister whose solution on housing affordability is to tell rich parents to shell out for the kids.

Let me conclude by saying, you can judge governments not by what they say, but by what they do. Amongst all the noise, budgets reveal priorities; tax measures reveal priorities; and appropriation bills reveal priorities. What they reveal today is a government that is not able to deliver budget repairs and whose expansive rhetoric is belied by their record, and a government whose only priority is a company tax break for the big end of town that will not help ordinary Australians. Labor will continue to put forward constructive solutions, we will continue to work in good faith for the Australian people and we will continue to prioritise fair budget repair that is in the interests of the community as a whole.

Senator LEYONHJELM (New South Wales) (21:46): Today we debate the government's appropriation bills. These bills are routinely waved through parliament, but I would consider blocking them if I could, because the government urgently needs to reconsider the path it is on. This year, the government is once again proposing to increase the size of government. Last year, Commonwealth government spending per person, allowing for inflation, was around $18,090. This year, it is expected to be around $18,340. That is a $250 increase in government spending per person, in real terms.

How many members of the public would agree that government is better this year compared to last year? And who would voluntarily fork out $250 for this supposed improvement? Not many, I suspect. It cannot continue. We have a debt of close to $300 billion, we are paying over a billion dollars a month in interest, and we are in danger of losing our AAA credit rating. Unless we stop this runaway spending train, it will crash. And, tragically, those worst affected, those who will lose their livelihoods and their homes, will not be the ones who caused the problem.

Today, in this debate, I seek to defend the Senate's right to amend spending plans for new policies. The rights of the Senate arise from the Constitution, but unfortunately the details of those rights are a matter of interpretation. According to the Senate's interpretation under a current Senate resolution, the Senate can amend appropriations for new policies, but not for existing policies. According to the government's interpretation, the Senate can amend appropriations for new outcomes, but not for existing outcomes. The problem with the government's interpretation is that its outcome statements are so vague and all-encompassing that every imaginable new policy could sit under an existing outcome. All kinds of new policies could be shielded from Senate amendment. This was not the intention when our Constitution was written.

I prefer the Senate's interpretation. Thus, I move my second reading amendment:

Omit all words after "That", substitute: "noting the resolution of the Senate of 22 June 2010 relating to the ordinary annual services of Government, and the inclusion in Appropriation Bill (No. 1) 2016-2017 of funding for new initiatives (as described in the Budget Papers) relating to Australian international education, the investment approach to welfare and the National Carp Control Plan rather than in Appropriation Bill (No. 2) 2016-17, further consideration of these bills be deferred until the Government provides a commitment to the Senate to cast future appropriation bills in the terms of the 22 June 2010 resolution.".
This amendment notes that the government has placed new policies into the appropriation bill that the Senate cannot amend, and it calls on the government to commit to placing new policies into the appropriation bills that the Senate can amend in the future. I ask each Senator who respects the constitution to support my second reading amendment.

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (21:49): I thank all senators who have contributed to this debate. In relation to the matter Senator Leyonhjelm has raised, the interpretation applied by the government has been consistently applied by this government and its predecessors and is based on the longstanding interpretation of the Senate executive compact of 1965, and its modification in 1999. I commend the bill to the Senate.

The ACTING DEPUTY PRESIDENT (Senator Gallacher): The question is that the second reading amendment moved by Senator Leyonhjelm be put.

Question negatived.

Original question agreed to.

Bill read a second time.

Third Reading

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (21:50): I move:

That these bills be now read a third time.

Question agreed to.

Bills read a third time.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (21:50): Order! I propose the question:

That the Senate do now adjourn.

Election of Senators

Senator RHIANNON (New South Wales) (21:50): About 250 days ago, on 18 March, the Senate, in an all-night sitting, passed the Senate voting reform bill. The debate on this issue did not conclude on that last night as Labor MPs cannot resist beating their drum of anguish and anger at the apparent horrors of Senate voting reform. When a Labor MP is hard-up for an argument, when they want to beat up on the Greens, or when they are looking for a filler when they have run out of puff on some boring speech, they fall back on that old favourite, 'attack the Greens on Senate voting reform'.

What I will cover tonight provides some insight into Labor's inside tactics to use Senate voting reform as a wedge tactic to discredit the Greens. This is revealed in the Labor caucus submission on Senate voting reform that was recently given to me. While the submission makes interesting reading, the key piece of information reveals the shallowness and crassness of Labor's wedge tactics: if they believe Senate voting reform was the great evil to democracy and small parties that they cry about, they would have committed to repealing the legislation passed on 18 March. But there is no such commitment, there is no such promise, because the attack on Senate voting reform was not about making our electoral system more democratic. The intent was actually quite ugly.
So why did Labor launch their attack on Senate voting reform? The Labor caucus-in-confidence submission on Senate voting reform that I was given sets out what went to a Labor caucus meeting to help MPs work out their tactics for the Senate voting reform debate. And this is where it gets interesting in what the document reveals. First, let us give ourselves a refresher course in how Labor played this issue when the debate was on in the Senate. Remember, in the midst of the debate for Senate voting reform Labor started extolling the virtues of electoral funding reform and declared their intent to move amendments on the issue. The political donations package of amendments that Labor brought forward was not dissimilar to legislation introduced into this parliament when Labor were in government. But for reasons never revealed, the Labor government failed to activate the debate even though Labor and the Greens had the numbers to pass it. But all of a sudden, in the midst of a debate on Senate voting reform, Labor apparently became passionate about political donation reform. But was it passion for political donation reform or passion for more Labor dirty tricks?

So back to the caucus-in-confidence submission. The key tactic laid out in this document is Labor’s plan, and here I will read from the document—this is on page 2—to ‘amend the legislation to implement key elements of Labor’s long-standing policy to enhance transparency and accountability in relation to political donations’. Then they go on to refer to their previous legislation that I mentioned. It was called the Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2008. It has eight dot points, so considerable detail, but that was not passed. Now, all of a sudden the passion is there. A bit further on in this document you come to Labor’s game plan. This is where we learn that the tactics around the political donations amendments that Labor planned to move were not about political donation reform, not about greater transparency, not about tightening up penalties or banning foreign donations. They might have been the words there, but the tactics in this document reveal that the intent was to scuttle Senate voting reform and to discredit the Greens for voting for important reform and not voting for the amendments on political donations. Yes, we are a highly committed to them, but they were not relevant to that legislation. Again, Labor knew, as we all knew, it was about scuttling the legislation.

This document sets out Labor’s hopes that the Greens would—again, in the words of the Labor submission—‘contradict their strong public position in favour of reforming political donation laws’. And there is more. The last dot point on page 3 sets out Labor’s desire to use the amendments to scuttle Senate voting reform. Again, the document says that ‘the government will be forced to abandon the coalition/Greens/Xenophon reform altogether’.

It is relevant to note that Labor has long backed voting reform that removes group voting tickets. So despite what they did on 18 March, Labor has had a long history of backing these reforms. Again, this is informative when you consider the tactics that went down and what this document reveals. That long history goes back over a decade. In New South Wales in 1999, it was actually a Labor government that introduced the reforms that got rid of group voting tickets in that parliament after it was proposed by the Greens. In the federal parliament, Labor united with the coalition, the Greens and Senator Xenophon and backed recommendations around Senate voting reform. They were recommendations from the JSCEM inquiry into the 2013 election.

I saw the level of support myself during the debate on Senate voting reform when a number of House of Representatives Labor MPs would seek assurances privately, understandably, that
the Senate voting reform would go through. But what we have ended up with is a divided Labor Party on this issue. It is a Labor Party, as we see from this submission—headed on each page 'Caucus in confidence'; entitled 'Caucus submission: Senate voting reform'—that sets out an ugly set of tactics. They are tactics that are in Labor's self-interest. Possibly they think it is good in the long term, but in the short term it is precisely those tactics that are turning people off engaging with parties that use underhanded tactics to try to discredit parties that really are, on many occasions, working for progressive reforms that Labor at other times have supported.

Employment

Senator KETTER (Queensland) (21:57): I rise to speak on perhaps one of the most important issues facing Australians—that is, the issue of jobs. Specifically, I would like to address the Turnbull government's inability to ensure that people in regional Queensland have sufficient access to full-time employment.

We know that the Liberals have no plan for jobs. They have no plan for the transitioning of our economy. They have no plan for families. They have no plan to train people for the jobs of the future. But we do know that they have some plans: they have a plan to privatise Medicare, they have a plan to ruin our dental services and they have a plan to sell out our workers across Australia.

The recent media coverage in Central Queensland highlights the concerns that people in regional Queensland, and particularly Central Queensland, have with the competence of this government. Recently, we saw on the front page of the Morning Bulletin in Rockhampton the depiction of the Prime Minister as a clown. While the mayor of Rockhampton, Ms Strelow, has graciously sought to apologise on behalf of the people of Rockhampton for that depiction of the Prime Minister, I would say that desperate times can call for desperate measures. I do not blame the staff at the Rockhampton Morning Bulletin for printing a front page of the Prime Minister dressed as a clown. It was the concern that the government was not being seen to be doing enough to address the critical issues of Central Queenslanders. By contrast, the Gladstone Observer recently had the Leader of the Opposition on the front page of the newspaper laying down a real plan for jobs for Central Queensland workers. That is what the coalition forget. They forget about those people that get them elected. They forget the people.

Last week I had the privilege of accompanying the Leader of the Opposition to one of my duty electorates, the electorate of Flynn. It was my pleasure to accompany him with the Labor candidate for Flynn from the last election, Mr Zac Beers. We were able to speak to apprentices and trainees at a local establishment and to hear firsthand about the concerns that the residents of Gladstone have in relation to their job prospects for the future. While we were there, it became increasingly clear that the government has done nothing to ease the pain of the aftermath of the mining boom. Flynn is an electorate that has been abandoned by this government. It is my view that many regional people, particularly regional Queenslanders, are being left behind. There are very sound reasons for us to form that view. We know that regional people have a shorter life expectancy compared to people in the city. We know that regional people make less money compared to their city counterparts for working the same job. And we know that regional and rural people are the ones who are on the receiving end of the impacts of climate change.

So why won't the government sort out a plan? Is it because they are incompetent? Yes, that is part of the reason, but I think it is also because they are focused very much on internal
divisions. They have not started thinking about a plan beyond the proposed $50 billion tax cut for big business and the banks—and we have already heard that financial institutions such as Goldman Sachs have indicated that 60 per cent of the benefit of those tax cuts would flow to offshore investors. So the government's dishonesty and incompetence are hurting Queenslanders, hurting our economy, hurting jobs and affecting those who are most vulnerable.

During my time as secretary of Labor's Fair Work Taskforce, the issue of the ongoing casualisation of jobs across a range of industries was raised constantly. When permanent jobs are replaced by casual jobs, workers lose the right to security of work and pay. Workers and not-for-profit organisations suggested that companies were choosing to employ temporary visa workers because they were cheaper and less likely to know their rights and therefore stand up for themselves. This means that we need policies and systems in place that support a growing economy, prioritise Australian workers, allow industry to access the skills they need and, importantly, ensure workers are not disadvantaged or exploited. Several Fair Work Taskforce participants told me, 'I was sacked for being an Australian.' This highlights a worrying trend. These are concerns that we have heard in Central Queensland particularly. Enabled by the Abbott-Turnbull government's legislation, corporations no longer have a responsibility to employ Australians, even in key industries such as construction. With this cavalier approach to the welfare of working Australians, it is little wonder that almost 1.8 million Australians are currently either unemployed or underemployed. That is 1.8 million workers and their families getting by on either meagre welfare payments or low incomes that fluctuate on a weekly basis. We need to stem the rise in underemployment, casualised labour and depressed wages, which are making it harder for families to maintain their standard of living or even make ends meet.

What are we seeing from this government? We are not seeing any plans or proposals for the people of Central Queensland which are going to provide for real jobs. On the other hand, Labor has a plan for real jobs, a plan for the people of Central Queensland. We have a plan to make sure that the port access road in Gladstone gets upgraded. We have a plan to make sure that apprentices do not miss out on jobs from government funded projects. We have a plan to properly fund TAFE so that dodgy training providers do not get a run.

The Queensland Labor government, through their Advance Queensland agenda, are also committed to building a new economy that creates sustainable jobs, while extending Queensland's potential as a global innovation destination. In particular, the Regional Innovation Hubs Program is a Queensland government initiative designed to support innovation in regional Queensland. They are running regional consultation workshops with local businesses and they are listening to people. They are not taking them for granted. They are giving them a shot and they are working together.

Like my state Labor colleagues, I believe that regional people are the backbone of Queensland's economy. They have driven us through the good times and the bad. They have driven us through the mining and gas booms and they continue to drive our strong agricultural and tourism sectors. If we are going to have inclusive growth and prosperity, we need to bring regional and rural people along for the ride, not just take them for a ride. We cannot leave them behind.
The member for Flynn is a very nice person but he has monumentally let down his electorate. Remember his unwavering support for a banking royal commission? We know that he voted against it. His staunch opposition to the backpacker tax? He has rolled over and he is supporting the 19 per cent. He recently tried to appear like he was consulting with farmers over the proposed changes to the backpacker tax, but he has not. In fact, the very business he visited recently and touted on his website has written a submission against his government’s own policy. It is calling for a 15 per cent rate of tax for backpackers. It opposes both the 32.5 per cent tax rate and the 19 per cent tax rate. In fact, the only thing the member for Flynn can offer his electorate is a big tax cut for big business. This is a straw man fallacy. It is trickle-down economics at its absolute worst. It is a thinly veiled effort to say that the government will create more jobs. But it will not. It will not help workers struggling to find employment with the downturn in the mining boom, and it will not stop cheap foreign labour rorting the visa system. It will not help people to get to see the doctor without having to swipe their credit card. And it will not help the people of Central Queensland. But Labor will not forget about Central Queensland. Labor will work to make sure that we advance our regions, and Labor will make sure that you get a say, whether you live in Brisbane or Barcaldine. Labor will listen.

Community Affairs References Committee Report: Palliative Care in Australia

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (22:07): I rise tonight to speak on the government’s response to the 2012 Senate Community Affairs References Committee report, Palliative care in Australia. We know from a Grattan Institute report in 2011 that 70 per cent of Australians have expressed a preference to die at home, but, from the same report, we know that the number of Australians who actually die at home is about 14 per cent, with many others dying in hospitals and nursing homes. The sad reality is that the experience of most Australians in their dying days does not accord with their preferences. The Grattan Institute report describes their end-of-life experience as ‘impersonal, lingering and lonely’. I will repeat those words, and, as I do so, I encourage those in the chamber and the gallery, or listening to the broadcast of these proceedings, to imagine it as their family member, their relative or their loved one having this experience in their dying days: ‘impersonal, lingering and lonely’.

There is no easy solution to this problem, but there are some simple steps we can take that can make a big difference in improving the end-of-life experience for Australians. One of these is encouraging Australians to have conversations with their family members and loved ones about their wishes at the end of life. Not only is this necessary to ensure proper planning for end-of-life care, but some may not be capable of communicating their wishes. It is an uncomfortable but necessary conversation to have.

So how do we know how to start these conversations? How do we know what issues we need to cover? This is where we need to understand that everyone in the community, not just healthcare professionals, is responsible for end-of-life care, and there is a need for community education so that we all know how to have conversations with our close friends and family to ensure that their care wishes are met in their final days. The importance of having such conversations is covered in some depth in chapter 13 of the committee's report, which deals with advance care planning.
Turning to the government's response, I bring to your attention, Mr President, recommendation 11:

The committee recommends that service delivery models include a greater emphasis on community-based care, 'dying in place', and a reduction in unnecessary hospital admissions.

The government, in its response to this recommendation, included the following advice:

The Australian Government funds the $49.2 million Better Access to Palliative Care in Tasmania Programme, which is trialling a community-based palliative care model and aims to increase access to community-based palliative care for people with life limiting illness nearing the end of their life.

So I am surprised the government even knows what the BAPC program is, given the health minister's continual confusion over it. In a letter to the Kingborough Chronicle published on 23 August, the minister referred to the BAPC program as part of the government's commitment to palliative care. In fact, it was funded in 2012 by a Labor government, and, at the time the minister's letter was published, most elements of the program were close to winding up, without a commitment to further funding.

In her letter about the government's commitment to palliative care, the minister spoke about aged-care funding, when palliative care actually affects Australians of all ages, including children. In providing a comment to an article in the Hobart Mercury on 20 September, a spokesperson for the minister said that one of the recipients of funding under the program, Palliative Care Tasmania, had received over $60 million, when in fact they had received—listen to this—$2.67 million. It is a bit of a difference! The minister's office also stated that Palliative Care Tasmania was given an extension of funding to meet their outputs, when in fact they underspent their funds and exceeded their outputs. So it is just atrocious.

I am appalled that the government would hold up this program as an example of their commitment to palliative care when they refused to continue funding it and do not seem to understand at all what it is about. Nor do they appear to understand how successful it has been.

As a result of this program, the number of Tasmanians able to die at home, in accordance with their wishes, has almost doubled, from 14 to 26 per cent. This has resulted in a dramatically improved end-of-life experience for many Tasmanians, and savings in Tasmania's acute health care system. Despite its overwhelming success, the funding allocated to the BAPC program is about to run out.

This government has made it clear, through the health minister's correspondence to me, that the National Palliative Care Strategy represents their commitment to palliative care. I read from this that the government is not going to entertain any changes to the strategy, or any new funding, despite the BAPC program currently undergoing an independent evaluation, which is due to be completed in December.

My colleague Senator Polley asked the Department of Health some questions for me about the future of the BAPC program in the latest round of Senate Estimates. Quoting the Department of Health's Deputy Secretary, Mr Mark Cormack, in response to one of these questions, I say:

The evaluation will be a very useful piece of information for the department, and for the government should it turn its mind to further investments in palliative care, or further refinements in its overall policy approach to palliative care, anywhere in Australia, including Tasmania.
So, while it is comforting to know that the results of the evaluation will not be completely ignored, it is completely unacceptable for the government not to at least keep the door open to the possibility of extending any element of the BAPC once the evaluation has been completed.

What this government fails to understand is that, when the funding for each element of the BAPC program runs out, all the skills and knowledge gained by the staff delivering those services are lost. Even if the services are funded in the future in another form by another provider, this knowledge, this learning and experience, will take years to rebuild.

For one organisation, Palliative Care Tasmania, their funding has already run out, and they are now struggling for survival. This organisation was given an agreement to deliver community education about palliative care, dying, grief and bereavement, with a target to reach 1,000 people. They have instead reached more than 13,000.

Through this community education, Tasmanians have benefited from a greater awareness of the palliative care options for themselves and their loved ones. They have been given an awareness of the importance of having conversations with friends and family about their end-of-life-care wishes, and the importance of making advance care directives to help ensure that these wishes are carried out.

Nothing in the government's response to this report gives me any confidence that this community education will be able to continue in Tasmania, or anywhere else across Australia. It is a relatively small investment that will pay huge dividends in improving the end-of-life experience for Tasmanians. And that is why Labor committed to continuing funding for Palliative Care Tasmania's program and to evaluate it for a national rollout.

As I said in my most recent speech on this issue, I challenge the Minister for Health and Aged Care to come to Tasmania and explain to the staff of Palliative Care Tasmania, stakeholders and the thousands of Tasmanians who have benefited from their community education and advocacy services: what is going to fill the gap left by this government's failure to continue funding for what has been a very highly successful program? I challenge her to explain to the more than 1,000 people who signed my petition why the Turnbull government does not consider this program worth funding—a program which has not only met but dramatically exceeded its targets.

This is my fourth time speaking in the Senate about this government's failure to secure the future of Palliative Care Tasmania and I doubt it will be my last. We had, in my home state of Tasmania, a really successful community education program, that was allowing more Tasmanians to be listened to about their palliative care needs. It is a program that allowed more Tasmanians to talk to their loved ones and plan for their end-of-life care. It is a program that was saving money in Tasmania's acute care system and contributed to ensuring that more Tasmanians who wanted to spend their final days at home had the opportunity to do so instead of experiencing the impersonal, lonely and lingering deaths to which the Grattan Institute referred.

It is a program that has come to an end, and may not be able to be revived, because of the inaction of this government. If the Turnbull government allows Palliative Care Tasmania to close its doors, I promise that between now and the next election, I will be relentless in reminding my fellow Tasmanians that it was this government that failed to rescue them.
I look forward to seeing the results of the government's independent evaluation of the Better Access to Palliative Care program. And I look forward to it confirming what many Tasmanians already know about the success of Palliative Care Tasmania's community education program. If Palliative Care Tasmania does not survive until then, it will be interesting, yet somewhat tragic, to hear how the Minister for Health and the Turnbull government intend to explain why they allowed this highly successful organisation to close. I just hope that they have the good sense to avoid having to give such an explanation, and instead save Palliative Care Tasmania with an extension of funding, which we have been asking for for a number of months. To date, they are still yet to come forward with any money.

Senate adjourned at 22:18

DOCUMENTS

Tabling

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.]


Aged Care Act 1997—Subsidy Amendment (Flexible Care Subsidy and Other Measures) Principles 2016 [F2016L01619].


Australian Citizenship Act 2007—
Exercise of Ministerial discretion under subsection 22A(1A)—16 September 2016.
Exercise of Ministerial discretion under subsection 22B(1A)—16 September 2016.


Australian Research Council Act 2001—
Funding Rules for schemes under the Discovery Programme (2016 edition) [F2016L01611].
Funding Rules for schemes under the Linkage Programme (2016 edition) [F2016L01610].

Aviation Transport Security Act 2004—
Aviation Transport Security Amendment (Cargo) Regulation 2016 [F2016L01615].
Aviation Transport Security Amendment (Screening and Clearance) Regulation 2016 [F2016L01624].


Broadcasting Services Act 1992—
Broadcasting Services (Events) Notice (No. 1) 2010—
Amendment No. 10 of 2016 [F2016L01608].
Amendment No. 11 of 2016 [F2016L01607].
Amendment No. 13 of 2016 [F2016L01700].
Television Licence Area Plan (Regional Queensland) Variation 2016 (No. 1) [F2016L01633].
Television Licence Area Plan (Regional Victoria) Variation 2016 (No. 1) [F2016L01632].

Civil Aviation Act 1988—
Civil Aviation Regulations 1988—Instructions — V.F.R. flights conducted by CGG Aviation (Australia) Pty Ltd—CASA 115/16 [F2016L01662].
Civil Aviation Safety Regulations 1998—
Prescription — type ratings for CASR Part 142 flight training (Edition 4) [F2016L01654].

Repeal of Airworthiness Directives—

CASA ADCX 019/16 [F2016L01630].

CASA ADCX 020/16 [F2016L01631].


Commissioner of Taxation—Public Rulings—


Corporations Act 2001—

Amendments to Australian Accounting Standards – Applying AASB 9 Financial Instruments with AASB 4 Insurance Contracts—AASB 2016-6 [F2016L01637].

ASIC Corporations (Amendment) Instrument 2016/1006 [F2016L01647].


ASIC Corporations (Repeal) Instrument 2016/994 [F2016L01621].

ASIC Corporations (Repeal) Instrument 2016/1005 [F2016L01622].


Crimes Act 1914—Crimes Amendment (Corresponding Laws) Regulation 2016 [F2016L01628].


Defence Act 1903—

Section 58B—

Additional risk insurance and deployment allowance – amendment—Defence Determination 2016/33 [F2016L01648].

Post indexes – amendment—Defence Determination 2016/34 [F2016L01705].

Section 58H—Allowances – Service Allowance – Amendment—Defence Force Remuneration Tribunal Determination No. 6 of 2016.

Woomera Prohibited Area Rule 2014—

Determination of an Exclusion Period for the Green Zone for Financial Year 2016-2017 Amendment No. 2 [F2016L01644].

Determination of Exclusion Periods for Amber Zone 1 and Amber Zone 2 for Financial Year 2016-2017 Amendment No. 2 [F2016L01643].

Environment Protection and Biodiversity Conservation Act 1999—

Amendment of List of Exempt Native Specimens – BioAustralis Plant Library (27 October 2016) [F2016L01699].
Amendment of List of Exempt Native Specimens – Freshwater and Marine Animals (12 October 2016)—EPBC303DC/SFS/2016/30 [F2016L01612].

Financial Sector (Collection of Data) Act 2001—


Financial Sector (Collection of Data) (reporting standard) determination No. 3 of 2016 – GRS 112.0_G Determination of Capital Base (Level 2 Insurance Group) [F2016L01227]—Replacement explanatory statement.

Financial Sector (Collection of Data) (reporting standard) determination No. 4 of 2016 – GRS 112.3_G Related Party Exposures (Level 2 Insurance Group) [F2016L01228]—Replacement explanatory statement.

Financial Sector (Collection of Data) (reporting standard) determination No. 5 of 2016 – GRS 114.0_G Asset Risk Charge (Level 2 Insurance Group) [F2016L01229]—Replacement explanatory statement.

Financial Sector (Collection of Data) (reporting standard) determination No. 6 of 2016 – GRS 114.1_G Assets by Counterparty Grade (Level 2 Insurance Group) [F2016L01230]—Replacement explanatory statement.

Financial Sector (Collection of Data) (reporting standard) determination No. 7 of 2016 – GRS 114.3_G Off-balance Sheet Business (Level 2 Insurance Group) [F2016L01231]—Replacement explanatory statement.

Financial Sector (Collection of Data) (reporting standard) determination No. 8 of 2016 – GRS 115.0_G Outstanding Claims Liabilities - Insurance Risk Charge (Level 2 Insurance Group) [F2016L01222]—Replacement explanatory statement.


Financial Sector (Collection of Data) (reporting standard) determination No. 10 of 2016 – GRS 116.0_G Insurance Concentration Risk Charge (Level 2 Insurance Group) [F2016L01216]—Replacement explanatory statement.

Financial Sector (Collection of Data) (reporting standard) determination No. 11 of 2016 – GRS 117.0_G Asset Concentration Risk Charge (Level 2 Insurance Group) [F2016L01217]—Replacement explanatory statement.

Financial Sector (Collection of Data) (reporting standard) determination No. 12 of 2016 – GRS 118.0_G Operational Risk Charge (Level 2 Insurance Group) [F2016L01218]—Replacement explanatory statement.


Financial Sector (Collection of Data) (reporting standard) determination No. 15 of 2016 – GRS 310.0_G Income Statement (Level 2 Insurance Group) [F2016L01221]—Replacement explanatory statement.

Financial Sector (Collection of Data) (reporting standard) determination No. 23 of 2016 – ARS 796.0 Points of Presence [F2016L01687].

Financial Sector (Collection of Data) (reporting standard) determination No. 35 of 2016 – Revocation of reporting standards applying to Discretionary Mutual Funds [F2016L01702].

Financial Sector (Collection of Data) (reporting standard) determination No. 36 of 2016 – Revocation of reporting standards applying to Medical Defence Organisations [F2016L01708].


*Health Insurance Act 1973*—

Health Insurance Legislation Amendment (2016 Measures No. 2) Regulation 2016 [F2016L01616].

Health Insurance (Optical Coherence Tomography) Determination 2016 [F2016L01691].


*Lands Acquisition Act 1989*—Statement describing property acquired by agreement for specified purposes.


*Narcotic Drugs Act 1967*—Narcotic Drugs Regulation 2016 [F2016L01613].

*National Disability Insurance Scheme Act 2013*—


*National Health Act 1953*—

National Health (Highly specialised drugs program) Special Arrangement Amendment Instrument 2016 (No. 10)—PB 93 of 2016 [F2016L01664].

National Health (IVF Program) Special Arrangement Amendment Instrument 2016 (No. 4)—PB 94 of 2016 [F2016L01661].

National Health (Listed drugs on F1 or F2) Amendment Determination 2016 (No. 10)—PB 95 of 2016 [F2016L01650].
National Health (Listing of Pharmaceutical Benefits) Amendment Instrument 2016 (No. 10)—PB 90 of 2016 [F2016L01689].


National Health (Pharmaceutical benefits – early supply) Amendment Instrument 2016 (No. 9)—PB 92 of 2016 [F2016L01679].

National Health (Price and Special Patient Contribution) Amendment Determination 2016 (No. 8)—PB 91 of 2016 [F2016L01688].


Private Health Insurance Act 2007—

Private Health Insurance (Benefit Requirements) Amendment Rules 2016 (No. 7) [F2016L01665].

Private Health Insurance (Data Provision) Rules 2016 (No. 1) [F2016L01406]—Replacement explanatory statement.

Private Health Insurance (Prostheses) Amendment Rules 2016 (No. 4) [F2016L01406].


Radiocommunications Act 1992—


Radiocommunications (Spectrum Access Charges — 2 GHz Band) Amendment Determination 2016 (No. 1) [F2016L01704].

Radiocommunications (Unacceptable Levels of Interference — 2 GHz Band) Determination 2016 [F2016L01709].

Social Security Act 1991—

Social Security (Declared Overseas Terrorist Act) Declaration 2016—Nice [F2016L01710].


Sydney Airport Curfew Act 1995—
Dispensation Report—06/16.

Sydney Airport Curfew Amendment (Permitted Freight Movements) Regulation 2016 [F2016L01651].

Taxation Administration Act 1953—
PAYG Withholding Variation: Body Corporate [F2016L01640].
PAYG Withholding Variation: Donations to deductible gift recipients [F2016L01641].
PAYG Withholding variation for foreign resident capital gains withholding payments – marriage or relationship breakdowns [F2016L01642].
PAYG Withholding Variation: Performing Artists [F2016L01639].
PAYG Withholding Variation: Variation of amount to be withheld from indigenous artists when an ABN is not provided [F2016L00358]—Replacement explanatory statement.

Therapeutic Goods Act 1989—
Poisons Standard November 2016 [F2016L01638].
Therapeutic Goods Amendment (Advisory Committees and Other Measures) Regulation 2016 [F2016L01614].
Therapeutic Goods (Repeal of Listing Notices ) Notice 2016 [F2016L01635].

Veterans’ Entitlements Act 1986—
Amendment Statements of Principles concerning anxiety disorder—
No. 99 of 2016 [F2016L01697].
No. 100 of 2016 [F2016L01698].
Amendment Statements of Principles concerning panic disorder—
No. 101 of 2016 [F2016L01681].
No. 102 of 2016 [F2016L01668].
Statement of Principles concerning acquired cataract (Balance of Probabilities)—No. 88 of 2016 [F2016L01695].
Statement of Principles concerning acquired cataract (Reasonable Hypothesis)—No. 87 of 2016 [F2016L01694].
Statement of Principles concerning analgesic nephropathy (Balance of Probabilities)—No. 78 of 2016 [F2016L01680].
Statement of Principles concerning analgesic nephropathy (Reasonable Hypothesis)—No. 77 of 2016 [F2016L01667].
Statement of Principles concerning animal envenomation (Balance of Probabilities)—No. 82 of 2016 [F2016L01666].
Statement of Principles concerning animal envenomation (Reasonable Hypothesis)—No. 81 of 2016 [F2016L01663].
Statement of Principles concerning bruxism (Balance of Probabilities)—No. 92 of 2016 [F2016L01671].
Statement of Principles concerning bruxism (Reasonable Hypothesis)—No. 91 of 2016 [F2016L01672].
Statement of Principles concerning complex regional pain syndrome (Balance of Probabilities)—No. 98 of 2016 [F2016L01678].
Statement of Principles concerning complex regional pain syndrome (Reasonable Hypothesis)—No. 97 of 2016 [F2016L01675].
Statement of Principles concerning female sexual dysfunction (Balance of Probabilities)—No. 96 of 2016 [F2016L01684].
Statement of Principles concerning female sexual dysfunction (Reasonable Hypothesis)—No. 95 of 2016 [F2016L01677].
Statement of Principles concerning fibromuscular dysplasia (Balance of Probabilities)—No. 80 of 2016 [F2016L01683].
Statement of Principles concerning fibromuscular dysplasia (Reasonable Hypothesis)—No. 79 of 2016 [F2016L01674].
Statement of Principles concerning malignant neoplasm of the brain (Balance of Probabilities)—No. 86 of 2016 [F2016L01693].
Statement of Principles concerning malignant neoplasm of the brain (Reasonable Hypothesis)—No. 85 of 2016 [F2016L01692].
Statement of Principles concerning schizophrenia (Balance of Probabilities)—No. 84 of 2016 [F2016L01685].
Statement of Principles concerning schizophrenia (Reasonable Hypothesis)—No. 83 of 2016 [F2016L01682].
Statement of Principles concerning smallpox (Balance of Probabilities)—No. 90 of 2016 [F2016L01670].
Statement of Principles concerning smallpox (Reasonable Hypothesis)—No. 89 of 2016 [F2016L01669].
Statement of Principles concerning umbilical hernia (Balance of Probabilities)—No. 94 of 2016 [F2016L01676].
Statement of Principles concerning umbilical hernia (Reasonable Hypothesis)—No. 93 of 2016 [F2016L01673].

**DOCUMENTS**

**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]

Airservices Australia—Report for 2015-16, including report of the Aircraft Noise Ombudsman.


ASC Pty Ltd—Report for 2015-16. [Received 28 October 2016]

Auditing and Assurance Standards Board—Report for 2015-16. [Received 28 October 2016]

Auditor-General—Audit reports for 2016-17—

No. 20 of 2016-17—Performance audit—The management, administration and monitoring of the Indemnity Insurance Fund: Department of Health; Department of Human Services.

No. 21 of 2016-17—Performance audit—Reforming the disposal of specialist military equipment: Department of Defence.

No. 23 of 2016-17—Performance audit—National rental affordability scheme – Administration of allocations and incentives: Department of Social Services.

Australia Business Arts Foundation Limited (Creative Partnerships Australia)—Report for 2015-16. [Received 25 October 2016]

Australia Council for the Arts (Australia Council)—Report for 2015-16.

Australian Accounting Standards Board—Report for 2015-16. [Received 28 October 2016]

Australian Broadcasting Corporation (ABC)—Report for 2015-16. [Received 31 October 2016]

Australian Centre for International Agricultural Research (ACIAR)—Report for 2015-16. [Received 28 October 2016]

Australian Charities and Not-for-profits Commission (ACNC)—Report for 2015-16. [Received 27 October 2016]

Australian Commission for Law Enforcement Integrity—Report for 2015-16.

Australian Commission on Safety and Quality in Health Care—Report for 2015-16.

Australian Communications and Media Authority (ACMA) and the Office of the Children’s eSafety Commissioner—Reports for 2015-16.

Australian Competition and Consumer Commission (ACCC)—Report for 2015-16, including report of the Australian Energy Regulator (AER).


Australian Curriculum, Assessment and Reporting Authority (ACARA)—Report for 2015-16. [Received 26 October 2016]

Australian Electoral Commission (AEC)—Report for 2015-16. [Received 24 October 2016]

Australian Federal Police (AFP)—Report for 2015-16, including reports on assumed identities, the National Witness Protection Program and unexplained wealth investigations and proceedings. [Received 14 October 2016]

Australian Film, Television and Radio School (AFTRS)—Report for 2015-16. [Received 28 October 2016]

Australian Fisheries Management Authority—Report for 2015-16.

Australian Financial Security Authority (AFSA)—Report for 2015-16, including reports on the operation of the Bankruptcy Act 1966 and Personal Property Securities Act 2009. [Received 28 October 2016]

Australian Human Rights Commission—Report for 2015-16. [Received 3 November 2016]

Australian Information Commissioner—Report for 2015-16. [Received 31 October 2016]

Australian Institute for Teaching and School Leadership Limited (AITSL)—Report for 2015-16. [Received 25 October 2016]

Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)—Report for 2015-16. [Received 28 October 2016]

Australian Institute of Criminology—Report for 2015-16.

Australian Institute of Family Studies—Report for 2015-16. [Received 31 October 2016]

Australian Institute of Health and Welfare—Report for 2015-16. [Received 27 October 2016]

Australian Institute of Marine Science (AIMS)—Report for 2015-16.

Australian National Maritime Museum—Report for 2015-16. [Received 28 October 2016]
Australian Nuclear Science and Technology Organisation (ANSTO)—Report for 2015-16. [Received 31 October 2016]
Australian Office of Financial Management (AOFM)—Report for 2015-16. [Received 25 October 2016]
Australian Pesticides and Veterinary Medicines Authority (APVMA)—Report for 2015-16. [Received 28 October 2016]
Australian Postal Corporation (Australia Post)—Diversity and inclusion—Report for 2015-16.
Australian Prudential Regulation Authority (APRA)—Report for 2015-16. [Received 27 October 2016]
Australian Public Service Commission—Report of the Australian Public Service Commissioner for 2015-16, including report of the Merit Protection Commissioner. [Received 14 October 2016]
Australian Radiation Protection and Nuclear Safety Agency (ARPANSA)—Report for 2015-16. [Received 31 October 2016]
Australian Rail Track Corporation Limited (ARTC)—Report for 2015-16. [Received 31 October 2016]
Australian Renewable Energy Agency (ARENA)—Report for 2015-16. [Received 28 October 2016]
Australian Research Council (ARC)—Report for 2015-16. [Received 25 October 2016]
Australian Securities and Investments Commission (ASIC)—Report for 2015-16. [Received 31 October 2016]
Australian Skills Quality Authority (ASQA)—Report for 2015-16. [Received 28 October 2016]
Australian Sports Anti-Doping Authority—Report for 2015-16. [Received 31 October 2016]
Australian Sports Commission—Report for 2015-16. [Received 28 October 2016]
Australian Sports Foundation Limited—Report for 2015-16. [Received 31 October 2016]
Australian Taxation Office (ATO)—Report of the Commissioner of Taxation for 2015-16 (2 volumes). [Received 27 October 2016]
Australian Transaction Reports and Analysis Centre (AUSTRAC)—Report for 2015-16.
Australian Transport Safety Bureau (ATSB)—Report for 2015-16.
Australian War Memorial—Report for 2015-16. [Received 26 October 2016]
Bundanon Trust Limited—Report for 2015-16. [Received 14 October 2016]
Bureau of Meteorology—Report for 2015-16. [Received 24 October 2016]
Cancer Australia—Report for 2015-16. [Received 25 October 2016]
Civil Aviation Safety Authority (CASA)—Report for 2015-16.
Clean Energy Finance Corporation (CEFC)—Report for 2015-16. [Received 31 October 2016]
Climate Change Authority—Report for 2015-16. [Received 27 October 2016]
Climate Change Authority Act 2011—Towards a climate policy toolkit: Special review on Australia’s climate goals and policies—Report, August 2016. [Received 4 November 2016]
Coal Mining Industry (Long Service Leave Funding) Corporation—Report for 2015-16. [Received 31 October 2016]
Comcare and Safety, Rehabilitation and Compensation Commission—Reports for 2015-16.
Commonwealth Director of Public Prosecutions (CDPP)—Report for 2015-16. [Received 21 October 2016]
Commonwealth Scientific and Industrial Research Organisation (CSIRO)—Report for 2015-16, including report of the Science and Industry Endowment Fund. [Received 27 October 2016]
Crimes Act 1914—Controlled operations—Report for 2015-16. [Received 14 October 2016]
Defence Force Discipline Act 1982—Director of Military Prosecutions—Report for 2015. [Received 1 November 2016]
Department of Agriculture and Water Resources—Report for 2015-16, including reports on the operation of the Natural Resources Management (Financial Assistance) Act 1992, National Residue Survey, Water Efficiency Labelling and Standards Scheme, and Water for the Environment Special Account. [Received 31 October 2016]
Department of Communications and the Arts—Report for 2015-16.
Department of Education and Training—Report for 2015-16, including reports of the Student Identifiers Registrar, Trade Support Loans Progam and Tuition Protection Service. [Received 26 October 2016]
Department of Finance—Report for 2015-16. [Received 21 October 2016]
Department of Human Services—Report for 2015-16.
Department of Industry, Innovation and Science—Report for 2015-16, including reports of Geoscience Australia and IP Australia. [Received 28 October 2016]
Department of Industry, Innovation and Regional Development—Report for 2015-16. [Received 31 October 2016]
Department of Social Services—Report for 2015-16.
Department of the Environment and Energy—Report for 2015-16, including reports on the operation of Acts administered by the department, and financial statements for the National Heritage Trust of Australia.
Department of the Treasury—Report for 2015-16. [Received 26 October 2016]
Departmental and agency appointments and vacancies—Budget (Supplementary) estimates 2016-17—Letters of advice pursuant to the order of the Senate of 24 June 2008—Attorney General’s portfolio. [Received 17 October 2016]
Foreign Affairs and Trade portfolio. [Received 14 October 2016]
Health portfolio. [Received 17 October 2016]

Departmental and agency grants—Budget (Supplementary) estimates 2016-17—Letters of advice pursuant to the order of the Senate of 24 June 2008—

Attorney General’s portfolio. [Received 17 October 2016]

Cancer Australia. [Received 19 October 2016]

Foreign Affairs and Trade portfolio. [Received 14 October 2016]

Director of National Parks—Report for 2015-16. [Received 31 October 2016]

Estimates hearings—Unanswered questions on notice—Budget estimates 2016-17—Statement pursuant to the order of the Senate of 25 June 2014—Defence Housing Australia. [Received 19 October 2016]

Export Finance and Insurance Corporation (EFIC)—Report for 2015-16.


Federal Circuit Court of Australia—Report for 2015-16, including financial statements for the Family Court of Australia.

Federal Court of Australia—Report for 2015-16, including report of the National Native Title Tribunal.


Financial Reporting Council (FRC)—Report for 2015-16.

Food Standards Australia New Zealand—Report for 2015-16.

Future Fund Board of Guardians and Future Fund Management Agency (Future Fund)—Report for 2015-16. [Received 27 October 2016]

Gene Technology Regulator—Report for 2015-16. [Received 31 October 2016]

Independent Hospital Pricing Authority (IHPA)—Report for 2015-16, including report of the Clinical Advisory Committee.


Indexed lists of departmental and agency files for the period 1 January to 30 June 2016—Statements of compliance pursuant to the order of the Senate of 30 May 1996, as amended—

Attorney General’s portfolio. [Received 17 October 2016]

Australian Taxation Office. [Received 27 October 2016]

Department of Veterans’ Affairs. [Received 14 October 2016]

Environment and Energy portfolio. [Received 14 October 2016]


Infrastructure Australia—Report for 2015-16. [Received 28 October 2016]
Inspector-General of Taxation—Report for 2015-16. [Received 31 October 2016]
Inspector-General of the Australian Defence Force—Report for the period 1 January 2014 to 30 June 2015. [Received 1 November 2016]

Migration Act 1958—Section 486O—Assessment of detention arrangements—
   Government response to Ombudsman's reports, dated 17 October 2016.
   Government response to Ombudsman's reports, dated 17 October 2016.
   Moorebank Intermodal Company Limited—Report for 2015-16. [Received 31 October 2016]
   National Australia Day Council Limited—Report for 2015-16. [Received 27 October 2016]
   National Capital Authority—Report for 2015-16. [Received 28 October 2016]
   National Competition Council—Report for 2015-16.
   National Disability Insurance Scheme Launch Transition Agency (National Disability Insurance Agency)—Report for 2015-16. [Received 28 October 2016]
   National Film and Sound Archive of Australia (NFSA)—Report for 2015-16. [Received 31 October 2016]
   National Gallery of Australia (NGA)—Report for 2015-16.
   National Health and Medical Research Council (NHMRC)—Report for 2015-16. [Received 27 October 2016]

CHAMBER
National Health Funding Body—Report for 2015-16. [Received 31 October 2016]
National Health Funding Pool—Report for 2015-16, including financial statements for state and territory State Pool Accounts. [Received 31 October 2016]
National Heavy Vehicle Regulator (NHVR)—Report for 2015-16.
National Library of Australia—Report for 2015-16. [Received 31 October 2016]
National Museum of Australia—Report for 2015-16. [Received 25 October 2016]
National Portrait Gallery of Australia—Report for 2015-16. [Received 31 October 2016]
Northern Land Council—Report for 2015-16. [Received 3 November 2016]
Northern Territory Fisheries Joint Authority—Report for 2015-16. [Received 25 October 2016]
National Transport Commission (NTC Australia)—Report for 2015-16.
Office of Parliamentary Counsel—Report for 2015-16. [Received 31 October 2016]
Office of the Official Secretary to the Governor-General—Report for 2015-16. [Received 31 October 2016]
Old Parliament House (Museum of Australian Democracy)—Report for 2015-16. [Received 28 October 2016]
Parliamentary Service Commissioner—Report for 2015-16, including report of the Parliamentary Service Merit Protection Commissioner. [Certified 14 October 2016]
Professional Services Review—Report for 2015-16. [Received 27 October 2016]
Public Lending Right Committee—Report for 2015-16. [Received 28 October 2016]
Queensland Fisheries Joint Authority—Report for 2015-16. [Received 25 October 2016]
Remuneration Tribunal—Report for 2015-16. [Received 14 October 2016]
Repatriation Commission, Military Rehabilitation and Compensation Commission and the Department of Veterans' Affairs—Reports for 2015-16, including financial statements of the Defence Service Homes Insurance Scheme. [Received 31 October 2016]
Repatriation Medical Authority—Report for 2015-16.
Reserve Bank of Australia—Reports for 2015-16—Annual report.
Equity and diversity.
Payments System Board.
Royal Australian Mint—Report for 2015-16. [Received 31 October 2016]
Safe Work Australia—Report for 2015-16. [Received 27 October 2016]
Screen Australia—Report for 2015-16. [Received 25 October 2016]
Seafarers Safety, Rehabilitation and Compensation Authority (Seacare Authority)—Report for 2015-16.

Senate orders for production of documents—Science and Technology—Commonwealth Scientific and Industrial Research Organisation Review—Letter from the Cabinet Secretary (Senator Sinodinos),
dated 19 October 2016, responding to the order of the Senate of 10 October 2016, and attachments. [Received 19 October 2016]

Special Broadcasting Service Corporation (SBS)—Report for 2015-16. [Received 31 October 2016]
Superannuation Complaints Tribunal—Report for 2015-16. [Received 26 October 2016]

Annual reports for 2015-16—
Subsection 12G(2).
Subsection 54(2).
Quarterly reports for the period 1 April to 30 June 2016—
Subsection 12G(1).
Subsection 54(1).
Sydney Harbour Federation Trust—Report for 2015-16. [Received 28 October 2016]
Takeovers Panel—Report for 2015-16. [Received 31 October 2016]
Tax Practitioners Board—Report for 2015-16. [Received 27 October 2016]

Tertiary Education Quality and Standards Agency (TEQSA)—Report for 2015-16. [Received 26 October 2016]

Tourism Australia—Report for 2015-16. [Received 31 October 2016]

Transport—Funding of infrastructure projects—Letter from the Auditor-General (Mr Hehir), dated 17 October 2016, relating to a resolution of the Senate of 3 February 2016. [Received 17 October 2016]

Treaty—Multilateral—Trans-Pacific Partnership Agreement between the Government of Australia and the Governments of: Brunei Darussalam, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, the United States of America and Vietnam and associated side letters (Auckland, 4 February 2016)—Corrigendum to the national interest analysis.
Veterans’ Review Board—Report for 2015-16. [Received 31 October 2016]
Western Australian Fisheries Joint Authority—Report for 2015-16. [Received 25 October 2016]

Orders for production of documents—Documents: The following documents received on the dates indicated were tabled:

Australian Competition and Consumer Commission—Report to the Australian Senate on anti-competitive and other practices by health insurers and providers in relation to private health insurance for the period 1 July 2014 to 30 June 2015. [Received 31 October 2016]

Science and technology—Commonwealth Scientific and Industrial Research Organisation review—Letter from the Cabinet Secretary (Senator Sinodinos), dated 19 October 2016, responding to the order of the Senate of 10 October 2016, and attachments. [Received 19 October 2016]

**DOCUMENTS**

**Tabling**

Documents presented out of sitting since 13 October 2016

Documents certified by the President

Government documents (pursuant to Senate standing order 166)

74 Australian Federal Police (AFP)—Report for 2015-16, including reports on assumed identities and the National Witness Protection Program. [Received 14 October 2016]
75 Australian Public Service Commissioner—Report of the Australian Public Service Commissioner for 2015-16, including report of the Merit Protection Commissioner. [Received 14 October 2016]

77 *Crimes Act 1914*—Controlled operations—Report for 2015-16. [Received 14 October 2016]

81 Australian Electoral Commission—Report for 2015-16. [Received 24 October 2016]

84 Australian Institute for Teaching and School Leadership (AITSL)—Report for 2015-16. [Received 25 October 2016]

96 Department of Education and Training—Report for 2015-16, including reports of the Student Identifiers Office, Trade Support Loans and Tuition Protection Service. [Received 26 October 2016]

100 Australian Charities and Not-for-profits Commission (ACNC)—Report for 2015-16. [Received 27 October 2016]

105 Commonwealth Scientific and Industrial Research Organisation (CSIRO)—Report for 2015-16. [Received 27 October 2016]

118 Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)—Report for 2015-16. [Received 28 October 2016]

120 Australian Pesticides and Veterinary Medicines Authority (APMVA)—Report for 2015-16. [Received 28 October 2016]

123 Australian Sports Commission—Report for 2015-16, including report of the Australian Sports Foundation Limited. [Received 28 October 2016]

129 Public Lending Right Committee—Report for 2015-16. [Received 28 October 2016]

140 Department of Agriculture and Water Resources—Report for 2015-16. [Received 31 October 2016]

143 Director of National Parks—Report for 2015-16. [Received 31 October 2016]

148 National Health Funding Pool, including financial statements for state and territory State Pool Accounts—Report for 2015-16. [Received 31 October 2016]

152 Repatriation Commission, Military Rehabilitation and Compensation Commission and the Department of Veterans’ Affairs—Report for 2015-16, including financial statements of the Defence Service Homes Insurance Scheme. [Received 31 October 2016]

159 National Film and Sound Archive—Report for 2015-16. [Received 31 October 2016]

167 Climate Change Authority Act 2011—Towards a climate policy toolkit: Special review on Australia’s climate goals and policies—Report, dated August 2016. [Received 4 November 2016]


**Return to order** (pursuant to Senate standing order 166)

**Statements of compliance with Senate orders** (pursuant to Senate standing order 166)

171 **Indexed lists of departmental and agency files** (continuing order of the Senate of 30 May 1996, as amended)

Attorney General’s portfolio. [Received 17 October 2016]

Australian Taxation Office. [Received 27 October 2016]

Department of Veterans’ Affairs. [Received 14 October 2016]

Environment and Energy portfolio. [Received 14 October 2016]
172 *List of departmental and agency appointments and vacancies* (continuing order of the Senate of 24 June 2008, as amended)

Attorney-General's portfolio. [Received 17 October 2016]
Foreign Affairs and Trade portfolio. [Received 14 October 2016]
Health portfolio. [Received 17 October 2016]

173 *Lists of departmental and agency grants* (continuing order of the Senate of 24 June 2008)

Attorney General's portfolio. [Received 17 October 2016]

**COMMITTEES**

**Committee reports and government responses to parliamentary committee reports presented out of sitting since 13 October 2016**

Committee reports pursuant to Selection of Bills Committee reports—not available for consideration (pursuant to Senate standing order 38(7))

[reports will be recorded in the Journals of the Senate]


176 Education and Employment Legislation Committee—Family Assistance Legislation Amendment (Jobs for Families Child Care Package) Bill 2016 [Provisions] and Social Services Legislation Amendment (Family Payments Structural Reform and Participation Measures) Bill 2016 [Provisions]—Corrigendum. [Received 20 October 2016]

[reports and responses will be recorded in the Journals of the Senate and available for consideration on Tuesday under standing order 62(4)]

177 Economics References Committee—Non-conforming building products—Interim report, dated 18 October 2016. [Received 18 October 2016]

178 Intelligence and Security—Joint Statutory Committee—Criminal Code Amendment (High Risk Terrorist Offenders) Bill 2016—Report, dated November 2016. [Received 4 November 2016]

**Government Response to Report**

Government responses to parliamentary committee reports (pursuant to Senate standing order 166)

The response read as follows—


**INTRODUCTION**

The Government welcomes the opportunity to respond to the findings and recommendations of the Senate Finance and Public Administration References Committee's (the Committee) report.

The Australian Government is committed to improving outcomes for Aboriginal and Torres Strait Islander peoples. Through the Indigenous Advancement Strategy (IAS), the Government is investing in programmes to deliver outcomes for Aboriginal and Torres Strait Islander peoples in the areas of
education, employment, economic development, social participation, and healthy and safe homes and communities.

In the 2015-16 Budget, the Australian Government allocated $4.9 billion to the IAS, over four years to 2018-19. This included longer term commitments already in place such as the Working on Country Programme.

The IAS is designed to manage a more strategic investment in Indigenous funding that focuses on achieving measurable outcomes and improving the way Government does business, including simpler programme arrangements with less red tape. It directs effort where it is most needed, and tailors funding to solve localised issues rather than imposing a one size fits all solution.

Before the introduction of the IAS, an inquiry as conducted by the Committee would have been extremely difficult.

The implementation of the IAS has fundamentally transformed the way Indigenous programmes are funded and managed. As a result of the open grant round, for the first time ever, a government has a clear picture about where taxpayers' funds are being spent and which service providers are receiving that funding. The Government has carefully considered the Committee's report and provides its response to each of the recommendations in the table below.

The Government acknowledges that the processes associated with the 2014 IAS open grant round can be improved. The Department of the Prime Minister and Cabinet (the Department) has been working methodically to address many of the issues and concerns raised in relation to the first open grant round.

The Department listened to the criticisms and concerns, and has made improvements to the IAS, and to the way the Department communicates and engages with Indigenous communities and other stakeholders. On 21 March 2016, following consultations across the country, the Department published revised IAS Grant Guidelines. The new Guidelines are clearer for potential applicants, reduce red tape, and should result in better, more targeted service delivery on the ground.

While recognising there are improvements to be made, this is also the time to recognise the successes of the IAS and the improvements the IAS made to dysfunctional and opaque funding arrangements for Indigenous programmes administered under previous governments.

Through the 2014 IAS open grant round, over $1 billion was provided to almost one thousand organisations to deliver more than 1350 projects throughout Australia. Indigenous organisations received the largest slice of the grant round funding—55 per cent of the total. A significant proportion of this money supports the delivery of front line services to Indigenous families and communities. Only 1 per cent of grants under the IAS 2014 Grant Round were of less than 12 months duration indeed, nearly 80 per cent (78%) of all grants under the round were for 2 years or more. In addition only 1 per cent of all grants under the round were for small amounts of under $15,000.

Half of the funding (50%) provided under all Indigenous grants has been contracted to Indigenous organisations with the proportion of funding under the grant round going to Indigenous organisations higher at 55 per cent, this is up from 30% prior to the IAS. Across the 5 programmes nearly half or more of the funding under all Indigenous grants has been provided to Indigenous organisations in all programmes apart from Children and Schooling. The low proportion of funding (33%) going to Indigenous service providers under Children and Schooling partly reflects the fact that funding is sometimes provided direct to schools and universities, and that Indigenous organisations do not play a large role in some of the services supported under the IAS such as scholarship programmes. If grants under Children and Schooling are excluded then 55 per cent of all funding under the IAS has been provided to Indigenous organisations.

The Government is confident moving forward the IAS will deliver the long-term and sustainable outcomes Indigenous communities want and deserve.
The Committee's report provided findings and recommendations that the Government will take into consideration to improve grants processes. The Government also notes that the extended reporting period for the Committee resulted in many of the issues raised in the early stages of the Committee being responded to by the time of reporting. This included as part of some improvements the Government introduced following the revision of the IAS Guidelines. The revision of the guidelines included 17 public forums. The revised guidelines were released on 21 March 2016.

**Australian Government response to the Senate Finance and Public Administration References Committee Report: Commonwealth Indigenous Advancement Strategy tendering processes**

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<thead>
<tr>
<th>Recommendation</th>
<th>Government Response</th>
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<tbody>
<tr>
<td>Recommendation 1:</td>
<td>Noted</td>
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<td>The committee recommends that future tender rounds are not blanket competitive processes and are underpinned by robust service planning and needs mapping.</td>
<td>The Government introduced the Indigenous Advancement Strategy (IAS) in response to the previous arrangements where a myriad of Indigenous specific programmes were administered across multiple Commonwealth agencies. While the 2014 IAS open grant round was a significant undertaking particularly for Aboriginal and Torres Strait Islander communities and the service sector, it did, for the first time, enable the Government to gain a picture of grant investment in a way that had not been possible previously. The choice of the most appropriate grant funding mechanism to address a particular need will be considered on a case by case basis and is a decision for the Government; and while future open competitive rounds cannot be ruled out it is anticipated that grant funding mechanisms under the 2016 IAS Guidelines outside of open grant rounds will be utilised.</td>
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**Recommendation 2:**

The committee recommends that future tendering processes should be planned strategically, with a clear sense of service gaps and community need based on consultation with local services and communities. A tendering or alternative funding process should be conducted in a manner which enhances the capacity of organisations to meet community needs.

In addition to the response for Recommendation One the 2016 IAS Guidelines already include the introduction of the Community Led grants process which allows Indigenous communities and providers to apply at any time for funding to address emerging opportunities or community need. Under the IAS, service gaps and community need are able to be considered in more detail as government has a better understanding of existing funding provided to the community.

The Department has a network of regional offices across Australia, referred to as the PM&C Regional Network. The Regional Network is continually engaging with communities and organisations. From this engagement, the network continues to support and assist communities identify their needs, aspirations and goals.
The Regional Network works in partnership with Aboriginal and Torres Strait Islander peoples and other stakeholders to support the development and implementation of tailored innovative local solutions to the challenges facing Indigenous Australians and Indigenous communities. The 2016 IAS Grant Guidelines support these partnerships, particularly through the Community Led Grants process.

Recommendation 3:
The committee recommends that future selection criteria and funding guidelines should give weighting to the contribution and effectiveness of Aboriginal and Torres Strait Islander organisations to provide to their community beyond the service they are directly contracted to provide.

Noted
The revised IAS Guidelines already include strengthened assessment criteria that relate to:
- the extent to which the Indigenous community supports a proposal and has been involved in the development of the proposal.
- the organisation has, or can build, positive relationships with Aboriginal and Torres Strait Islander Indigenous Australians, community organisations and other key stakeholders in the delivery of the proposed activity.

Aboriginal and Torres Strait Islander organisations will generally be well placed to provide strong responses to the assessment criteria relating to support from Indigenous communities and capacity to build positive relationships with Indigenous Australians.

In general, these assessment criteria have an equivalent weighting to each of the other assessment criteria. However, the IAS Guidelines also note that, in cases where the Department prioritises particular assessment criteria, details of the relative weighting of criteria and the treatment of these in the assessment process will be provided in the relevant application kit. It should also be noted that half of the funding (50%) provided under all Indigenous grants has been contracted to Indigenous organisations with the proportion of funding under the grant round going to Indigenous organisations higher at 55 per cent, this is up from 30% prior to the IAS.

Recommendation 4:
The committee recommends that where possible and appropriate, longer contracts be awarded to ensure stability so that organisations can plan and deliver sustainable services to their communities.

Agreed
The Government supports the principle that, where possible and appropriate, longer term contractual periods for awarded grants can contribute to improved stability for provider organisations.

At the same time, an appropriate period depends on a range of factors including the capacity of the...
Recommendation 5:
The committee recommends that the Department of the Prime Minister and Cabinet improve its overall Indigenous Advancement Strategy communication plan to ensure that all stakeholders are fully informed and have access to clear and timely information.

Agreed

The Department acknowledges that there could have been improvements in communications during the 2014 Indigenous Advancement Strategy (IAS) open grant round.

Since the 2014 grant round the Department has made significant improvements to the IAS, and to the way the Department communicates and engages with Indigenous communities and other stakeholders. These improvements are demonstrated through the revised 2016 IAS Guidelines and the ongoing work of the Regional Network.

The 2016 IAS Grant Guidelines and associated documents seek to make it simpler for Aboriginal and Torres Strait Islander peoples, communities and service providers to apply for funding and administer grants under the IAS. The Guidelines provide clearer information on IAS programmes, application processes and improved assessment criteria. Application processes have been simplified through the introduction of the new online application form.

Through the Regional Network the Department is continuing to support the development of stronger relationships between local Aboriginal and Torres Strait Islander peoples, communities, service providers and local PM&C Regional Network offices. This will enable improved communication between applicants and current providers at a local level.

The Department is exploring different ways in which we can better engage with Aboriginal and Torres Strait Islander peoples and communities, through enhancing the role of the Regional Network. This follows on from the more focused engagement that was conducted in late 2015 around the review of the IAS Grant Guidelines.

Recommendation 6:
The committee recommends that the full internal review of the organisation to deliver and the nature of the project. Funding agreement periods are decided on a case by case basis.

More than 90 per cent of the $1 billion in funding provided through the 2014 open grant round was contracted for two or more years.

Noted

As a matter of standard practice, the Department undertook an internal post implementation review.
Indigenous Advancement Strategy process undertaken and facilitated by the Department of the Prime Minister and Cabinet be made public.

The final report was provided to the Department in August last year, and the executive summary, conclusion and Department's response to the recommendations were provided to this Committee after the Supplementary Estimates hearing in October 2015 (QON61).

**Recommendation 7:**

The committee recommends that the Government release the revised funding guidelines as a draft for consultation with Aboriginal and Torres Strait Islander communities and their organisations.

Completed

The revised Guidelines were published on the Department's website on 21 March 2016.

In reviewing the Guidelines, the Department undertook significant consultation with Aboriginal and Torres Strait Islander people and organisations. Feedback from a variety of sources on the operation of the 2014 IAS open grant round and the IAS Guidelines was considered within the review process, including:

- The Department held 17 public forums across Australia in late 2015, which attracted over 500 people.
- The Department met with seven national peak bodies which represented over 500 organisations.
- Detailed consideration of the 86 submissions provided to the committee as part of the Inquiry.
- Consideration of issues raised by applicants and other stakeholders through the Department's 1800 number and the IAS email inbox.

The Department will continue to talk with providers and communities to ensure successful implementation of the revised IAS Grant Guidelines.

The IAS Grant Guidelines are not static documents, and as part of best practice grants administration, the Department will continue to review and improve the Guidelines to ensure stakeholders have less red tape and better information available.

**Recommendation 8:**

The committee recommends that Government prioritise investment in capacity building and support for smaller community controlled organisations in future tender processes.

Noted

The revised 2016 IAS Grant Guidelines provide three key grant funding mechanisms:

- Department approaches organisation (direct source)
- Department invites applications (open and targeted grant processes)
- Department responds to community led proposals.
The 2016 IAS Guidelines and application kits outline funding objectives and selection criteria for grant applicants. Applicants must respond the selection criteria and demonstrate their project proposals align with the objectives of the IAS.

The Government's priority for Aboriginal and Torres Strait Islander communities and the services funded under the IAS are that these services be delivered by the organisations best able to deliver the service. However the Government recognises that Indigenous community organisations should be a priority as they are more likely to operate with the community in mind and more likely to employ Indigenous staff.

The Government's revised IAS Guidelines support small Indigenous community organisations by ensuring one stream of funding, the Community Led stream, demonstrate community support in the development of the application.

Additionally the Department supports organisations through the Regional Network, noting that probity requirements need to be taken into consideration.

Recommendation 9:
The committee recommends that the Government act immediately to address the 30 June 2016 funding deadline for organisations.

Agree and completed

The Government worked closely with organisations in the lead up to 30 June 2016 and adequate notice was provided to organisations in relation to their funding. Funding was extended to maintain and improve frontline service delivery.

Additional Recommendations: Australian Greens

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<td>The Government reinstate the funding to Aboriginal and Torres Strait Islander peoples’ programs cut by the Abbott/Turnbull Government.</td>
<td>Not Agreed</td>
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<td>Whilst some savings were taken as budget repair and in recognition of the reduction of duplication, red tape and inefficiency delivered by the IAS, the Government reinvested a considerable amount of this into policy priorities for Indigenous Affairs. The savings measure from the Indigenous Affairs portfolio did not impact frontline services and was achieved through a reduction of duplication, red tape and inefficient programmes.</td>
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The Government address the remaining funding gaps from the IAS funding rounds, including funding legal services in the Barkly region. |

Not agreed |

Through the IAS open grants round, funding for PM&C funded legal services has been maintained. This includes funding for 14 family violence prevention legal service providers, six supplementary legal assistance providers, and eight Indigenous women’s legal services including Central Australian Women’s
Legal Services.
Additionally, the Attorney-General's Department provides funding to Aboriginal and Torres Strait Islander Legal Services through the Indigenous Legal Assistance Programme.